

MEMORANDUM
DEPARTMENT OF ENVIRONMENTAL QUALITY
POLLUTION RESPONSE & EMERGENCY PREPAREDNESS PROGRAM

Mail Address:
P.O. Box 1105
Richmond, VA 23218

Location:
629 East Main Street
Richmond, VA 23219

SUBJECT: GUIDANCE DOCUMENT: PREP-2017-01
Pollution Response Program - Base Manual

TO: Tom Madigan, Jason Williams, Mark Miller, Graham Simmerman, Elizabeth Lohman,
Willard Keene

FROM: James Golden, Deputy Director of Operations



DATE: July 18, 2017

COPIES: Tom Faha, Amy Owens, Jeff Steers, Craig, Nicol, Robert Weld, Jeff Hurst

Summary:

This document presents the purpose and intent of the DEQ Pollution Response Program and provides staff with general guidance on responding to reports of pollution and conducting investigations of pollution incidents.

This document supersedes the following guidance:

Guidance No. GM05-2007 – Pollution Response Program (PREP) Manual, April 15, 2005

Electronic Copy:

An electronic copy of this guidance in PDF format is available for staff internally on DEQNET (PREP Program), and for the general public on Virginia Regulatory Town Hall: <http://townhall.virginia.gov>

Contact information:

For additional information about this document, please contact:

John Giese
Pollution Response & Emergency Preparedness Program Manager
804-698-4287
John.Giese@deq.virginia.gov

Wade Collins
Pollution Response & Emergency Preparedness Program Specialist
804-310-9215
Wade.collins@deq.virginia.gov

Disclaimer:

Guidance documents do not establish or affect legal rights or obligations, do not establish a binding norm, and are not determinative of the issues addressed. Decisions in individual cases will be made by applying the laws, regulations, and policies of the Commonwealth to case-specific facts.



Pollution Response Program (PREP)

Base Manual

August 2017

TABLE OF CONTENTS

Pollution Response Program Base Manual

	Acronyms
Chapter 1	Introduction
Chapter 2	Organization
Chapter 3	Contacts
Chapter 4	VDEM Notifications to DEQ
Chapter 5	Initial Report & Case Assignment
Chapter 6	Pollution Incident & Complaint Investigation
Chapter 7	Compliance Procedures
Chapter 8	Database Entry Requirements
Chapter 9	Notifications to Local, State & Federal Agencies
Chapter 10	Contracting Procedures
Chapter 11	Cost Recovery
Chapter 12	Training
Chapter 13	Planning & Outreach Opportunities
Attachment A	PReP Pollution Investigation Report
Attachment B	PReP Request for Corrective Action (RCA) Form
Annexes	*TBD*

ACRONYMS

AAF	Activity Authorization Form	IS	Independent Study
AC	Area Committee	LEPC	Local Emergency Planning Committees
AST	Aboveground Storage Tank	LOA	Letter of Agreement
CEDS	Comprehensive Environmental Database	NCP	National Contingency Plan
COVEOP	Commonwealth of Virginia Emergency Operations Plan	NFA	No Further Action
DCLS	Department of Consolidated Laboratory Services	NIMS	National Incident Management System
DD	Deputy Director	NOV	Notice of Violation
DEQ	Department of Environmental Quality	NRF	National Response Framework
DGIF	Department of Game & Inland Fisheries	NRT	National Response Team
DHR	Department of Historic Resources	OACC	Office of Air Compliance Coordination
DMME	Department of Mines Minerals & Energy	ODCP	Oil Discharge Contingency Plan
ECA	Executive Compliance Agreement	ODW	Office of Drinking Water (VDH)
ECM	Electronic Content Management	OFM	Office of Financial Management
ECO	Emergency Coordination Officer	OFRWP	Office of Financial Responsibility and Waste Programs
EMI	Emergency Management Institute	OPA	Oil Pollution Act of 1990
EPA	Environmental Protection Agency	OSRR	Office of Spill Response & Remediation
EPCRA	Emergency Planning and Community Right-to-Know Act	OSLTF	Oil Spill Liability Trust Fund
EPR	Environmental Pollution Report	OTS	Office of Training Services
ESF	Emergency Support Function	PEDR	Process for Early Dispute Resolution
EWP	Employee Work Profile	PREP	Pollution Response Program
FEMA	Federal Emergency Management Agency	RCA	Request for Corrective Action
HAB	Harmful Algal Bloom	RD	Regional Director
HAZWOPER	Hazardous Waste Operations	RHMO	Regional HazMat Officer (VDEM)
HH&E	Human Health & Environment	RP	Responsible Party
HPV	High Priority Violator	RRT3	Regional Response Team for Region 3
HW	Hazardous Waste	SCC	State Corporation Commission
ICS	Incident Command System	SID	Student Identification
IR	Incident Report	SMS	Short Message Service (e.g., text)

Acronyms

SNC	Significant Non-Compliance
SOSC	State On-Scene Coordinator
SSO	Sanitary Sewer Overflow
STARS	Statewide Agencies Radio System
SWAN	Statewide Alert Network
TSD	Treatment Storage Disposal
TTX	Tabletop Exercise
TWIC	Transportation Worker Identification Card
USCG	United States Coast Guard
USFWS	United States Fish & Wildlife Service
UST	Underground Storage Tank
VDACS	Virginia Department of Agriculture & Consumer Services
VDEM	Virginia Department of Emergency Management
VDH	Virginia Department of Health
VEERF	Virginia Environmental Emergency Response Fund
VEOC	Virginia Emergency Operations Center
VEST	Virginia Emergency Support Team
VMRC	Virginia Marine Resources Commission
VPA	Virginia Pollution Abatement permit
VPDES	Virginia Pollution Discharge Elimination Permit System
VPSTF	Virginia Petroleum Storage Tank Fund
VSP	Virginia State Police
VWPP	Virginia Wetlands Protection Program
WPAAF	Work Performed Activity Authorization Form
WCA	Water Compliance Auditor
WL	Warning Letter

1. Introduction

Program Overview

The Department of Environmental Quality's (DEQ) mission is to protect and enhance Virginia's environment and promote the health and well-being of the citizens of the Commonwealth. In support of the mission, the DEQ's Pollution Response Program (PREP) provides one of DEQ's major services by responding¹ to and investigating environmental incidents and complaints such as oil and hazardous material releases; illicit discharges; fish kills; and other pollution-related incidents. PREP also provides scientific, regulatory and technical support during local, regional and statewide emergencies.

The DEQ's Pollution Response and Emergency Preparedness Program coordinates the Pollution Response Program by developing program policy and guidance, providing scientific, technical and regulatory support, and coordinating DEQ's activities with other local, state, and federal agencies. The DEQ Regional Offices investigate pollution-related incidents and complaints and evaluate relevant program guidance to select the appropriate compliance and enforcement response to resolve such incidents. Both Central Office and the Regional Offices participate in local, regional and statewide emergency planning efforts.

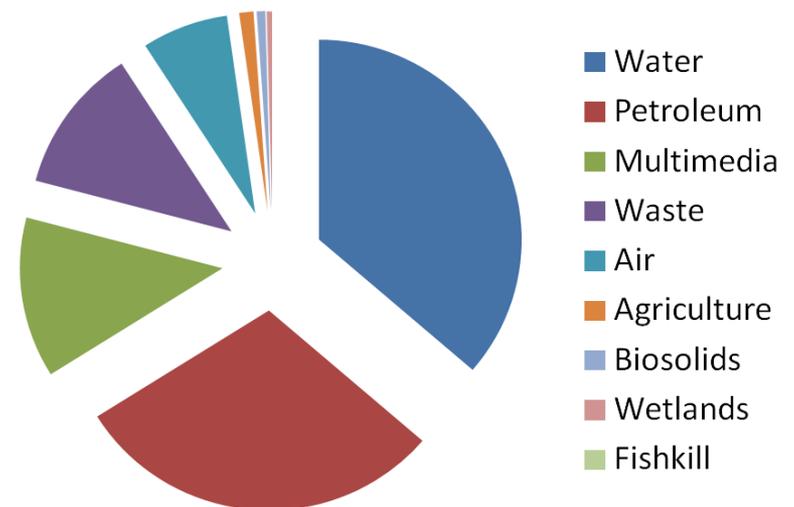
Pollution-related incidents may impact air, water and/or land. (See Figure 1-1.) Single or multiple air, water and/or land statutes and regulations may apply to an incident. A responsible party (RP) may or may not be known. The resolution to an incident may be immediate or take a few days to a few months to occur. For all these reasons, PREP works with many of DEQ's programs to ensure public services are provided and laws and regulations are applied uniformly throughout the Commonwealth.

Purpose

The purpose of this manual is to:

- Define the scope of Pollution Response Program.
- Provide guidance to all DEQ staff on how to respond to and investigate pollution-related incidents and complaints.
- Provide tools and resources for making decisions on how to manage and resolve the wide variety of complaints the DEQ receives.
- Identify when it's appropriate to hand off a case to another program.

Figure 1-1. – PREP Cases by Media (2012 – 2014)



¹While PREP staff are not first responders, i.e. fire, police or EMS, they often have to provide a timely on-site response in order to assist in the management of pollution incidents.

Introduction

Scope

This Manual includes information and guidance on the following:

- Central Office and Regional Office structure.
- Responding to, investigating and resolving pollution-related incidents and complaints.
- Coordination with other DEQ Programs.
- Notifications to other local, state and federal agencies.
- Emergency contracting procedures.
- Cost recovery.
- Minimum data capture requirements for ECM and the PREP Database.
- Participation in local, regional and statewide emergency planning efforts.

Since pollution-related incidents may impact air, water and/or land, DEQ staff must consult the policies, procedures and guidance of other DEQ Programs to ensure all laws and regulations are applied uniformly throughout the Commonwealth. Consequently, **this manual is not a stand-alone document** but contains references to other DEQ programs, including but not limited to Air, Land Protection & Revitalization, Water, Agriculture, Biosolids and Enforcement and their respective program documents. **These additional resources should always be consulted in collaboration with respective program staff when making decisions on how to manage pollution-related incidents.**

Structure of Manual

The components of the Manual include the following:

- The **Base Manual** describes how PREP is structured within the agency and provides broad program guidance for addressing complaints.
- The **Annexes** to the Basic Manual provide detailed policy and guidance on specific types of complaints that PREP encounters on a routine basis.
- The **Appendices** to the Annexes contain job aids that PREP staff can use in the field to ensure all program elements have been addressed.

Where the Base Manual contains a “Tool” icon, additional guidance and references are provided.



Additional resources

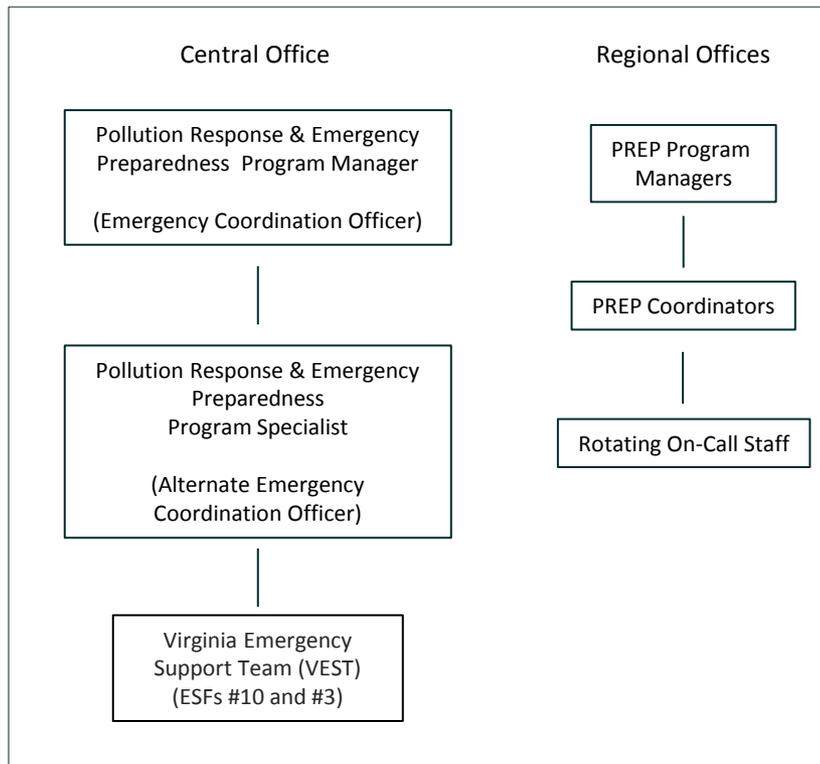
Refer to these additional resources often to ensure program consistency.

2. Organization

Program Organization

The Pollution Response Program is comprised of both central and regional office staff. (See Figure 2-1.)

Figure 2-1. - Program Organization



PREP – Central Office

The Pollution Response and Emergency Preparedness Program Manager and the Program Specialist have the following responsibilities:

- Develop program policies, procedures, and guidance.
- Provide scientific, technical, administrative, and regulatory support to the DEQ staff; local, state, and federal agencies; the regulated community; and the public.
- Coordinate training and exercise activities for the PREP staff.
- Provide emergency and state-lead contract assistance to program staff.
- Serve as the State On-Scene Coordinator (SOSC) for major spills or incidents and as necessary to support the regional offices.
- Ensure the DEQ is prepared to fulfill its roles and responsibilities under the [Commonwealth's Emergency Operations Plan \(COVEOP\)](#): Serve as the Agency's Emergency Coordination Officer (ECO) and Alternate ECO.
- Build DEQ's capacity to serve on the Virginia Emergency Support Team (VEST).
- Participate as members of the Environmental Protection Agency (EPA) Region 3 Regional Response Team (RRT3).
- Provide an Executive Committee representative for the Virginia Area Committee and participate on the Maryland-National Capital Region Area Committee.
- Coordinate development, implementation and maintenance of the PREP Database and ECM.
- Coordination of DEQ's STARS radio policy and procedures.
- Update, maintain, and make available resources on DEQNet.

Organization

PREP – Regional Offices

Regional PREP consists of a Program Manager, one or more PREP Coordinators, and support staff from other DEQ programs. The regional office has the following responsibilities:

- Document the receipt of notifications and reports of pollution-related incidents and complaints.
- Refer non-DEQ related complaints to an appropriate external entity.
- Respond to and investigate pollution-related incidents and complaints.
- Collect data and information (e.g., photos, documents, statements, samples) to document that a pollution-related incident has occurred and the environmental damage caused by the incident.
- Evaluate and compare facts and observations to environmental laws and regulations, DEQ regulatory programs and respective policy and guidance and identify potential violations and compliance issues.
- Identify the RP for pollution-related incidents and effectively communicate statutory and regulatory requirements.
- Coordinate with the appropriate DEQ programs to resolve pollution-related incidents by either using the respective compliance and enforcement mechanisms and/or referring the case to the appropriate program.
- Enter information related to pollution incidents into the PREP database and the Electronic Content Management (ECM) system. Ensure databases are routinely updated to reflect latest status of investigation.
- Provide 24-hour staff coverage, including daytime coverage when the PREP Coordinator is unavailable or out of the office.
- Notify the Central Office Program staff when a major event occurs or when an incident occurs that may have broad public health or environmental impacts or have high public/political/media interest.
- Initiate emergency environmental cleanups using emergency contracts or state-lead contractors when necessary.
- Participate in training and regional or statewide exercises to promote preparedness and interagency coordination.
- Provide scientific, technical, and regulatory support to local, state and federal emergency responders. When requested, provide on-site support.
- Conduct outreach to local and regional planning and response partners.

Organization

Virginia Emergency Support Team

During a disaster, representatives from state and federal agencies along with private and nonprofit organizations work at the Virginia Emergency Operations Center (VEOC) to form the Virginia Emergency Support Team. Agencies of Virginia state government that have been assigned lead and support emergency support functions (ESFs) are collectively known as the Virginia Emergency Support Team (VEST). VEST personnel ensure needed resources are provided to disaster stricken areas.

The DEQ's Emergency Coordination Officer (ECO) and Alternate ECO are required by executive order to coordinate state agency preparedness. The ECO will serve as the liaison between DEQ and VDEM during an emergency situation affecting the Commonwealth.

DEQ is designated in the COVEOP as the primary agency along with VDEM for ESF 10-Oil and Hazardous Materials, and is a support agency for ESF 3-Public Works and Engineering. The ECO has identified agency employees with the appropriate knowledge, skills and abilities to participate as members of the VEST. These VEST members have received the requisite training to work in ESF 3 and ESF 10 as part of the VEST.

3. Contacts

Program Contacts

The Pollution Response Program staff or an alternate must be available during normal business hours to receive routine reports of pollution related incidents and for emergency notification. An “After Hours” contact must also be available after normal business hours and on weekends and holidays to receive emergency notification. The following sections identify PREP contact information and outline how VDEM makes notifications to DEQ.

Regional Office Contact Information

Each Regional Office and Central Office has a dedicated webpage that contains general contact information (see Figure 3-1.), including:

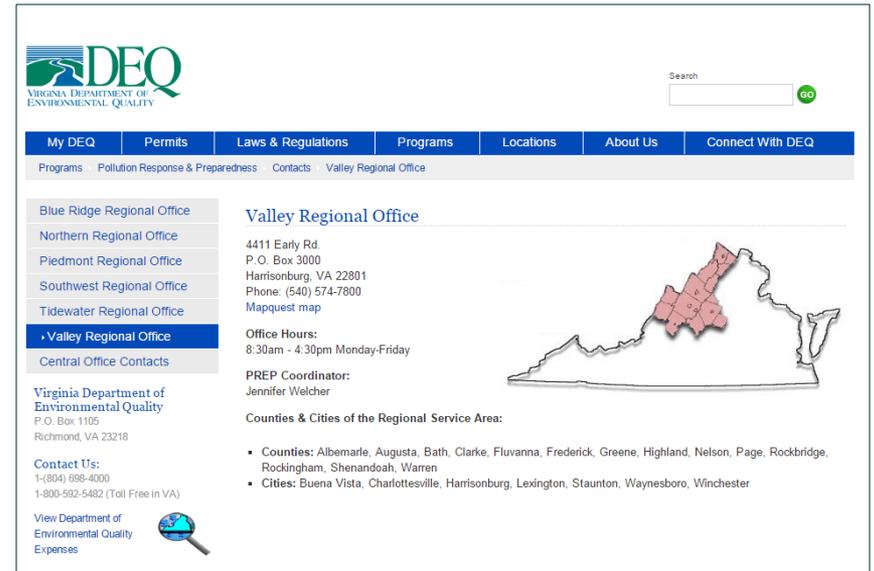
- Regional office address
- Regional office main telephone number
- Office hours
- PREP Coordinator’s name
- Corresponding service area

If any information changes, Regional PREP should alert the Central Office Pollution Response & Emergency Preparedness Program Specialist so the webpage can be updated.

Normal Business Hours

For the purposes of coordinating with VDEM on notifications (see Chapter 4), normal business hours are defined as Monday through Friday and 8:30 am – 4:30 pm, which is consistent with the hours most

Figure 3-1. - Example Contact Page



regional offices have established.

During normal business hours, PREP calls should be handled by DEQ staff. **PREP calls should never be directed to voice mail.** Calls should be transferred to the PREP Coordinator or an alternate staff member who can collect information about the pollution-related incident or complaint. In some cases, where the incident or complaint is related to a facility regulated by a DEQ program, the call may be transferred to the appropriate program staff.

Contacts

After Hours

When the regional office is closed (e.g., nights, weekends, and holidays), the message for the main regional office number will direct callers reporting a pollution-related incident or emergency to contact the Virginia Department of Emergency Management at (804) 468-8892.

PREP Staff Contact Information

Each region maintains a general PREP email address, e.g., XXROprep@deq.virginia.gov, and a group of telephone numbers that serve different purposes.

- **PREP Coordinator:** The PREP Coordinator is assigned a desk phone with a voice mail box and a smartphone. Only the desk phone number is published on DEQ's web pages. The smartphone is used primarily for intra- and inter-agency coordination and not as a means for the general public to contact staff.
- **After-Hours Staff:** Each region has identified staff to provide rotating after-hours coverage and support for PREP. The after-hours staff carry a cell phone or smartphone to receive emergency notifications from VDEM and to coordinate response actions in the event a pollution-related incident occurs.
- **Failsafe:** Each region has identified a Failsafe number in the event the on-call staff member cannot be reached on the after-hours cell phone during an emergency.

For more information on notifications from VDEM, see Chapter 4.

4. VDEM Notifications to DEQ

VDEM Notifications

The Virginia Department of Emergency Management (VDEM) operates the Virginia Emergency Operations Center (VEOC), which may receive notifications of pollution-related incidents during normal business hours or after hours. Depending on the type and scope of the incident, the notification may require action by the DEQ, ranging from acknowledging the notification to responding to the incident site.

HazMat Matrix

The VEOC staff use a HazMat Matrix to determine when to notify DEQ of an incident and what type of notification to make to the DEQ. The notifications may be a text and/or email depending on time of day and nature of the incident. The most current HazMat Matrix can be found on PREP pages of DEQNet.

Notification Method

VDEM uses a Statewide Alert Network (SWAN) to send notifications of pollution-related incidents to DEQ. This network may deliver emergency alerts, notifications and updates to email accounts, cell phones (via SMS), Smartphone apps and text to voice calls.

The notifications have an escalation feature. The notification will be sent to the primary contact, depending on whether the notification is coming during normal business hours or after hours. The notification will be sent until the notification is acknowledged - up to three times at five minutes apart. If the primary contact does not acknowledge the

notification, the notification will roll to a failsafe contact.

The following sections describe how the VEOC will make notifications to DEQ depending on whether the notification is being made during normal business hours or after hours.

Normal Business Hours

During normal business hours when immediate notification is required, the VEOC will send notification to the following devices and emails:

- SMS text to: PREP Coordinator's cell phone
- Email to: XXROprep@deq.virginia.gov
- Email to: COprep@deq.virginia.gov

If the PREP Coordinator is available, he or she will acknowledge the notification within five minutes.

If the PREP Coordinator is not available (e.g., in the field, in training, or on leave), alternate DEQ staff will need to acknowledge the notification. To that end, each region has written a rule in Outlook to automatically forward email sent to the XXROprep@deq.virginia.gov email address to a select group of DEQ staff. One of these staff members will need to acknowledge and/or respond accordingly to the notification.

If the VEOC/RHMO needs to speak with DEQ staff or needs an immediate response, VEOC will indicate those directions in either the phone call or in an SMS notification.

VDEM Notifications to DEQ

After Hours

For after hours (i.e., weeknights, weekends and holidays), PREP maintains a regional on-call system that will be staffed by individuals that are qualified to respond to VDEM notifications.

The VEOC will make notification as follows:

- SMS text to the “After-Hours” cell phone
- Email to XXROprep@deq.virginia.gov
- Email to COprep@deq.virginia.gov

After-Hours staff will acknowledge receipt of the notification by responding to the SMS text within five minutes. Notification will be sent via SMS and email until the SMS is acknowledged, up to three times separated by five minutes. If the third notification is not acknowledged, the VEOC will notify the Failsafe contact.

After hours staff must meet, at a minimum, the following requirements including the training requirements in Chapter 12.

- All After-Hours staff must be familiar with the procedures contained in the PREP manual.
- After-Hours staff will be provided a cell phone for responding to pollution incidents.
- After-Hours staff must be able to be reached by the after-hours cell phone at all times. (NOTE: A person who does not have cellular service at home is not a good candidate for after hours PREP duty.)

- **All VDEM text messages require acknowledgement within five minutes.**
- When requested, the After-Hours staff will provide verbal or onsite assistance to the Emergency Responder (VDEM, Local, and Federal). The After-Hours staff should possess sufficient training to be able to provide support for most of the incidents without calling someone else.

5. Initial Report & Case Assignment

Initial Report

The Pollution Response Program receives greater than 3,500 reports of pollution-related incidents and/or complaints on an annual basis. PREP assigns an Incident Report (IR) Number to and investigates those incidents or complaints that fall under the DEQ's authority. Any incident or report that does not fall under the DEQ's authority may be referred to a local, state or federal partner or where the information cannot be substantiated, the incident or complaint may be closed.

An initial report can come to DEQ in a number of ways, including:

- Direct call, email, or letter to DEQ,
- Electronic report via DEQ 's "Report Pollution" webpage,
- VDEM notification, or
- Referral from another agency.

Regardless of how DEQ receives the initial report, staff should attempt to capture as much information as possible about the incident or complaint so that:

- The incident or complaint can be evaluated and assigned to the correct workflow path.
- The DEQ's resources are used efficiently and effectively.
- Information about the incident/complaint is accurately reflected in the PREP Database/workflow.

The remaining sections of the chapter provide the following:

- Entry of the complaint into the PREP database.
- Identifying correct work flow path.

- Referring the pollution-related incident or complaint to a another program.
- Timelines for completing certain actions.

PREP Database

DEQ maintains a centralized database system called the PREP Database to document pollution complaints and PREP activities related to the investigation and resolution of pollution-related incidents and complaints. All pollution-related incidents shall be entered into the PREP database for tracking.



See the [PREP Database User Manual](#) for detailed instructions on how to use the database.

Any DEQ Staff who assigned a pollution incident or complaint for investigation may update the PREP Database. To gain access to the PREP Database, staff need to complete an OIS Application Access Form.

New Call Entry Form

When a report of a new pollution-related incident or complaint is received by telephone, the DEQ staff member receiving the initial report shall take the following steps:

1. While speaking to the caller, access the PREP Database (<http://gisdev/depinternal/CallEntry.aspx>) to open an "Enter New Call" form. (See Figure 5-1.)

Initial Report & Case Assignment

2. Request the following information and enter in the database:

- Incident Date (Required if known)
- Incident Time (Required if known)
- City/County (Required)
- Location/Description (Mandatory)
- Description of Incident (Mandatory)
- Description of Material (Required)

NOTE: “Mandatory” fields are indicated in red text and must be completed before a call record can be saved. “Required” information is essential for the PREP Coordinator to be able to follow up on the incident or complaint. (SOURCE: PREP Database User Manual)

3. If VDEM has created and emailed a “HazMat Incident Report,” (HMVA) enter the corresponding HMVA Report Number for the report in the Description of Incident field.

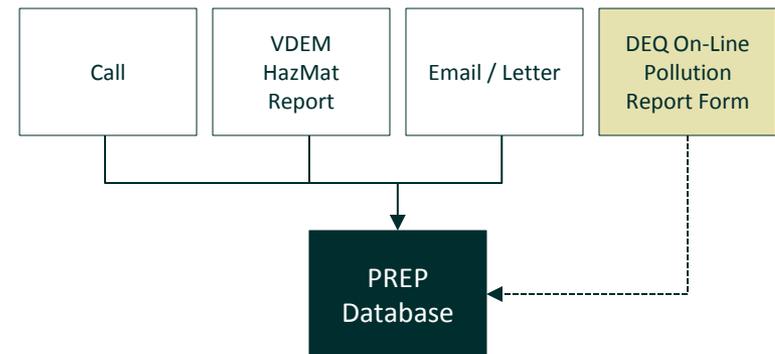
4. Enter additional information in the remaining fields as is available.

When a new pollution-related complaint or incident report is received by email or letter, the PREP Coordinator and/or other designated staff shall enter the report in the database. All reports submitted via DEQ’s on-line Pollution Report tool are automatically entered into the database. (See Figure 5-2.)

Figure 5-1. – New Call Entry Form

The screenshot shows a web-based form titled "Pollution Response Program". At the top, there's a "Call Info" section with fields for "Incident Date", "Incident Time", and "City/County" (a dropdown menu). Below this, there are three text input fields, each with a red asterisk and label: "* Location Description/ Directions (as reported)", "* Description of Incident (as reported)", and "Description of Material (as reported)". On the left side, there are navigation buttons: "Enter New Call" (highlighted in black), "Query Form", and "Contacts". At the bottom, there's a small field labeled "Is incident still occurring?".

Figure 5-2. – Receiving a New Report



- Manually entered Into database using New Call Entry Form
- - - Automatically entered Into database

Initial Report & Case Assignment

Issuing an IR Number

When an **Enter New Call** form is completed and saved in the PREP Database, the record is assigned a sequential **reference number**. If the PREP Coordinator determines the DEQ has authority over the reported incident or complaint, he or she will promote the Call to an **Incident Report** and assign an **Incident Report Number (IR #)**.

If the DEQ has no authority over the reported incident or complaint, the PREP Coordinator will forward the report to the appropriate local, state and/or federal agency. The PREP Coordinator will use the “Refer” function in the database but will **not** promote the report to Incident Report status in the database. **Only complaints where DEQ has jurisdiction will be promoted to IR status.**

Pollution Response & Investigation Timeframes

To ensure the DEQ responds to pollution incidents and complaints in a timely manner while making the best use of staff resources, the following criteria will be used for prioritizing, responding to and/or referring IRs to other DEQ programs. The prioritization of pollution incident investigations will be based on:

- Severity of potential violations
- Extent of any potential or actual environmental harm or human health impacts
- Whether the reported activity is subject to a permit/registration/ source requirements

- Time of incident, i.e., after hours, and availability of staff to investigate
- Availability of a RP and/or an assessment of the RP’s response to the current incident.

Based on the above criteria, the PREP Coordinator will either prioritize pollution incident reports for a site investigation or refer pollution incident reports to an appropriate DEQ program within the timeframes outlined in Table 5-1.

If the IR has been referred to another DEQ program, it is incumbent upon the assigned staff in the other DEQ program to update the PREP Database per the standards contained in this manual. The program will continue to manage the incident in the PREP Database, or if the program will manage the incident in a program-specific database, the program will close the incident in the PREP database with the appropriate reference to the program database and/or the appropriate closure notes that detail the final disposition of the incident.

Initial Report & Case Assignment

Table 5-1. – Response Timeframes for Initial Receipt of Pollution Incident

SCENARIO	RESPONSE TIMEFRAME
SWAN notification from VDEM’s Watch Center	PREP Coordinator and/or After Hours staff will immediately acknowledge SWAN notification and assess whether a site visit or phone assistance is appropriate.
Pollution incident reports and complaints submitted directly to the DEQ regional office	Within 1 working day, the PREP Coordinator will determine whether the pollution incident requires immediate attention, needs to be referred to another DEQ program or external agency, or can be prioritized for a site visit/follow up.

For pollution incidents that require a site visit, DEQ staff will prioritize and schedule site visits according to the timeframes in Table 5-2.

Table 5-2. – Response Timeframes for Conducting Site Visit

SCENARIO	RESPONSE TIMEFRAME
Pollution incidents with potential for <i>serious</i> human health & environmental impacts OR Pollution incidents with risk of losing contact with RP	Take immediate action to conduct a site investigation, engage RP, work with local/state/federal partners, and/or hire contractor
Pollution incident with insufficient information	Conduct initial investigation or follow up inquiry within 5 working days
Chronic or on-going pollution incident with marginal HH&E impacts	Conduct initial investigation within 30 calendar days

Initial Report & Case Assignment

To ensure timely resolution of pollution incidents and complaints, DEQ staff will complete the appropriate response to a pollution incident investigation per the timeframes outlined in Table 5-3.

Table 5-3. – Pollution Response & Investigation Timeframes

SCENARIO	RESPONSE TIMEFRAME
Following initial investigation and finding no evidence of non-compliance	Within 10 working days, enter case closure rationale in database and documentation in ECM, e.g., investigation report or other documentation
Informal compliance resolutions, e.g., Request for Corrective Action	Issue Request for Corrective Action (RCA) immediately
Investigation Report and Warning Letters	Within 30 calendar days of site investigation ¹
Investigation Report and Notices of Violation	Within 30 calendar days of site investigation ²

¹ If the RP is available during the site investigation, DEQ staff may issue the RCA during the exit interview. If the RP is not available during the site investigation, staff may immediately mail the RCA to the RP upon returning to the office.

² Timeframe applicable when PREP Coordinator is responsible for preparing compliance response.

Initial Report & Case Assignment

Assigning DEQ Staff to an Incident Report

When a pollution incident report or complaint is received, the PREP Coordinator will review the available information and decide whether to prioritize the report for a site investigation or refer the IR to another DEQ program.

If the reported incident or complaint is related to an activity that is covered by a permit (e.g. effluent discharge under a VPDES permit or emissions from a registered source), subject to the substantive requirements of a DEQ program (e.g., a release from a petroleum storage tank system or a sanitary sewer overflow), or if the facility has or should have notified the DEQ of regulated hazardous waste activity (e.g., generator, transporter, or treatment, storage, disposal facility), the pollution complaint (IR) shall be referred to the appropriate program for initial and/or follow up investigation¹. (See Figure 5-3.) If the reported incident requires surface water monitoring, the applicable Regional Office Water Monitoring Program will provide monitoring support and the Central Office Water Monitoring and Assessment Program Manager will be notified. The “Refer” button in the PREP Database can be used to refer the call information or an IR to another DEQ program for follow up. Detailed instructions are contained in the PREP Database User Manual.

If insufficient information is available to assess whether any violation of a DEQ statute or regulation has occurred, the PREP Coordinator will assign themselves to the IR record and then prioritize and schedule a site investigation.

¹In some instances PREP may conduct an immediate response and then refer an incident to a program

DEQ Resource Sharing Policy

If the PREP Coordinator determines the reported pollution-related incident or complaint should be referred to another DEQ program (based on the discussion in the previous section above) but the receiving program has a resource shortage, the PREP Coordinator may provide assistance to that program under the Resource Sharing Policy.

The policy provides a framework to identify and prioritize workload needs, define a communication process, and document resource sharing as it occurs. Examples of types of incidents that may be subject to “Resource Sharing” may include but not be limited to:

- Management of Permitted and Unpermitted Sanitary Sewer Overflow incidents
- Inspections of facilities that may be subject to the substantive requirements of a grant-funded program, e.g., Air Compliance and Hazardous Waste Compliance
- Water Quality Monitoring, e.g., Harmful Algal Bloom (HAB) Sample Collection

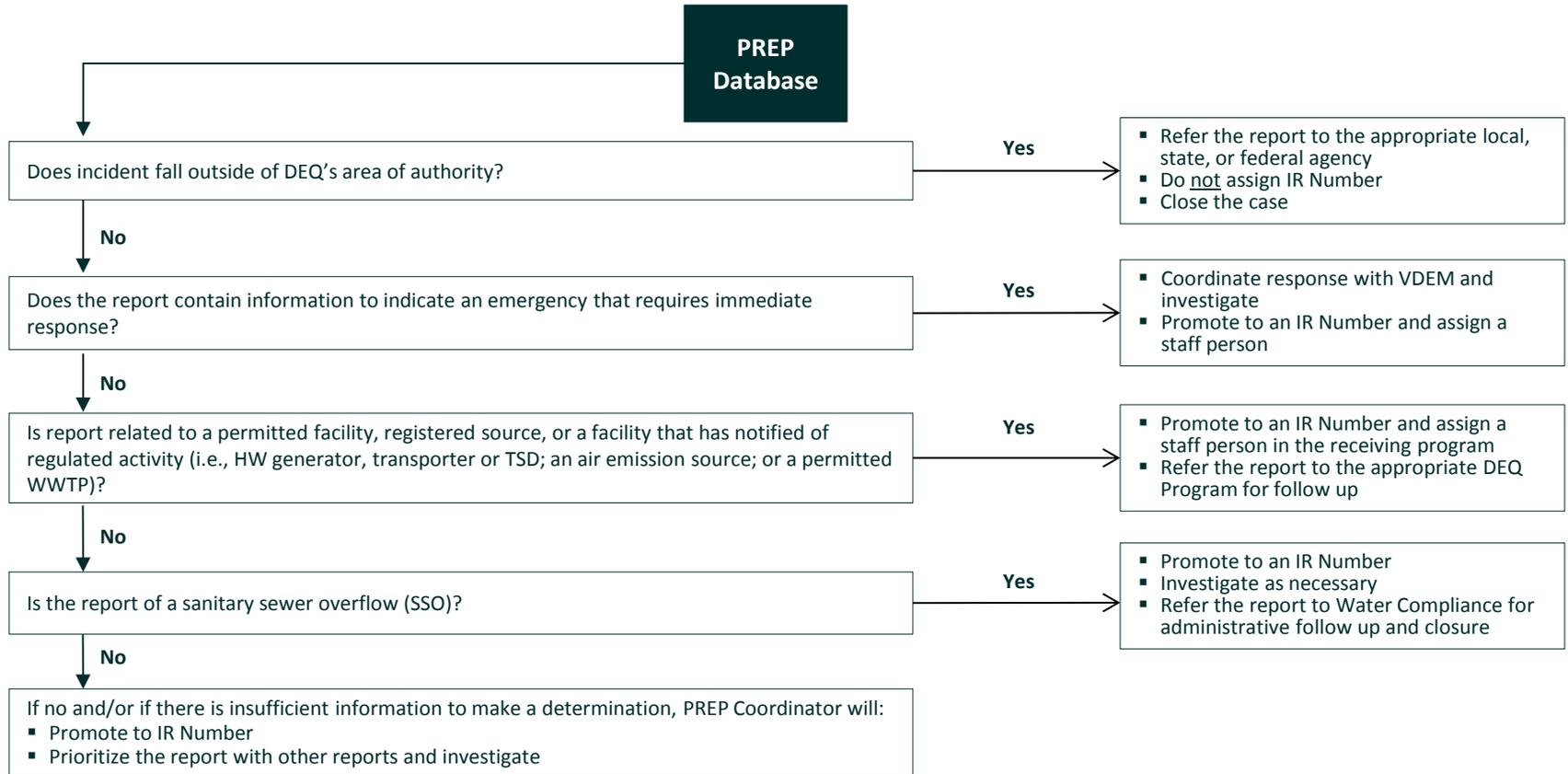
In the event the PREP Coordinator will provide assistance to another program on a short-term or long-term basis, the PREP Program Manager and the other program Manager will develop and execute a “Scope of Work & Tasking Form” (Attachment II of the Resource Sharing Policy).



See the [Resource Sharing Policy](#) for guidance on short term and long term management of projects across program areas. The Policy and tracking spreadsheet are located at <T:\ResourceSharingTrackingSheet>

Initial Report & Case Assignment

Figure 5-3. – Case Assignment



6. Pollution Incident & Complaint Investigation

Legislative Authorities

The DEQ has responsibilities for investigating pollution-related incidents and complaints involving Air, Land and Water media. The three main sections of Virginia environmental laws that authorize the DEQ to undertake pollution-related incident investigations are as follows:

Code of Virginia. Virginia Air Pollution Control Law. Title 10.1. Chapter 13. as amended:

[§ 10.1-1306 . Inspections, investigations, etc.](#)

The Board shall make, or cause to be made, such investigations and inspections and do such other things as are reasonably necessary to carry out the provisions of this chapter, within the limits of the appropriations, study grants, funds, or personnel which are available for the purposes of this chapter, including the achievement and maintenance of such levels of air quality as will protect human health, welfare and safety and to the greatest degree practicable prevent injury to plant and animal life and property and which will foster the comfort and convenience of the people of the Commonwealth and their enjoyment of life and property and which will promote the economic and social development of the Commonwealth and facilitate enjoyment of its attractions.

Code of Virginia. Virginia Waste Management Act. Title 10.1. Chapter 14. as amended:

[§10.1-1402 Powers and duties of the Board.](#)

The Board shall carry out the purposes and provisions of this chapter and compatible provisions of federal acts and is authorized to:

...3. Provide technical assistance and advice concerning all aspects of waste management.

...19. Take actions to contain or cleanup sites or to issue orders to require cleanup of sites where solid or hazardous waste, or other substances within the jurisdiction of the Board, have been improperly managed and to institute legal proceedings to recover the costs of the containment or clean-up activities from the responsible parties.

...21. Abate hazards and nuisances dangerous to public health, safety or the environment, both emergency and otherwise, created by the improper disposal, treatment, storage, transportation or management of substances within the jurisdiction of the Board.

[§ 10.1-1456. Right of entry to inspect, etc.; warrants.](#)

Upon presentation of appropriate credentials and upon consent of the owner or custodian, the Director or his designee shall have the right to enter at any reasonable time onto any property to inspect, investigate, evaluate, conduct tests or take samples for testing as he reasonably deems necessary in order to determine whether the provisions of any law administered by the Board, Director or Department, any regulations of the Board, any order of the Board or Director or any conditions in a permit, license or certificate issued by the Board or Director are being complied with. If the Director or his designee is denied entry, he may apply to an appropriate circuit court for an inspection warrant authorizing such investigation, evaluation, inspection, testing or taking of samples for testing as provided in Chapter 24 (§ 19.2-393 et seq.) of Title 19.2.

Pollution Incident Investigation

Code of Virginia. Title 62.1 Chapter 3.1 State Water Control Law, as amended:

§ 62.1-44.2 Purpose.

It is the policy of the Commonwealth of Virginia and the purpose of this law is to:

- (1) protect existing high quality state waters and restore all other state waters to such condition of quality that any such waters will permit all reasonable public uses and will support the propagation and growth of all aquatic life, including game fish, which might reasonably be expected to inhabit them,*
- (2) safeguard the clean waters of the Commonwealth from pollution,*
- (3) prevent any increase in pollution,*
- (4) reduce existing pollution,*
- (5) promote and encourage the reclamation and reuse of wastewater in a manner protective of the environment and public health, and*
- (6) promote water resource conservation, management and distribution, and encourage water consumption reduction in order to provide for the health, safety, and welfare of the present and future citizens of the Commonwealth.*

§ 62.1-44.5. Prohibition of waste discharges or other quality alterations of state waters except as authorized by permit; notification required.

A. Except in compliance with a certificate or permit issued by the Board or other entity authorized by the Board to issue a certificate or permit pursuant to this chapter, it shall be unlawful for any person to:

- 1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;*
- 2. Excavate in a wetland;*
- 3. Otherwise alter the physical, chemical or biological properties of state waters and make them detrimental to the public health, or to animal or aquatic life, or*

to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses; or 4. On and after October 1, 2001, conduct the following activities in a wetland:

- a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;*
 - b. Filling or dumping;*
 - c. Permanent flooding or impounding; or*
 - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions.*
- 5. Discharge stormwater into state waters from Municipal Separate Storm Sewer Systems or land disturbing activities.*

B. Any person in violation of the provisions of subsection A who discharges or causes or allows (i) a discharge of sewage, industrial waste, other wastes or any noxious or deleterious substance into or upon state waters or (ii) a discharge that may reasonably be expected to enter state waters shall, upon learning of the discharge, promptly notify, but in no case later than 24 hours the Board, the Director of the Department of Environmental Quality, or the coordinator of emergency services appointed pursuant to § 44-146.19 for the political subdivision reasonably expected to be affected by the discharge. Written notice to the Director of the Department of Environmental Quality shall follow initial notice within the time frame specified by the federal Clean Water Act.

§ 62.1-44.15. Powers and duties; civil penalties.

...(2) To study and investigate all problems concerned with the quality of state waters and to make reports and recommendations...

(6) To make investigations and inspections, to ensure compliance with any certificates, standards, policies, rules, regulations, rulings and special orders which it may adopt, issue or establish and to furnish advice, recommendations, or instructions for the purpose of obtaining such compliance. In recognition of

Pollution Incident Investigation

§§ 32.1-164 and 62.1-44.18, the Board and the State Department of Health shall enter into a memorandum of understanding establishing a common format to consolidate and simplify inspections of sewage treatment plants and coordinate the scheduling of the inspections. The new format shall ensure that all sewage treatment plants are inspected at appropriate intervals in order to protect water quality and public health and at the same time avoid any unnecessary administrative burden on those being inspected...

(11) To investigate any large-scale killing of fish.

(a) Whenever the Board shall determine that any owner, whether or not he shall have been issued a certificate for discharge of waste, has discharged sewage, industrial waste, or other waste into state waters in such quantity, concentration or manner that fish are killed as a result thereof, it may effect such settlement with the owner as will cover the costs incurred by the Board and by the Department of Game and Inland Fisheries in investigating such killing of fish, plus the replacement value of the fish destroyed, or as it deems proper, and if no such settlement is reached within a reasonable time, the Board shall authorize its executive secretary to bring a civil action in the name of the Board to recover from the owner such costs and value, plus any court or other legal costs incurred in connection with such action.

(b) If the owner is a political subdivision of the Commonwealth, the action may be brought in any circuit court within the territory embraced by such political subdivision. If the owner is an establishment, as defined in this chapter, the action shall be brought in the circuit court of the city or the circuit court of the county in which such establishment is located. If the owner is an individual or group of individuals, the action shall be brought in the circuit court of the city or circuit court of the county in which such person or any of them reside.

(c) For the purposes of this subsection the State Water Control Board shall be deemed the owner of the fish killed and the proceedings shall be as though the State Water Control Board were the owner of the fish. The fact that the owner

has or held a certificate issued under this chapter shall not be raised as a defense in bar to any such action.

(d) The proceeds of any recovery had under this subsection shall, when received by the Board, be applied, first, to reimburse the Board for any expenses incurred in investigating such killing of fish. The balance shall be paid to the Board of Game and Inland Fisheries to be used for the fisheries' management practices as in its judgment will best restore or replace the fisheries' values lost as a result of such discharge of waste, including, where appropriate, replacement of the fish killed with game fish or other appropriate species. Any such funds received are hereby appropriated for that purpose.

(e) Nothing in this subsection shall be construed in any way to limit or prevent any other action which is now authorized by law by the Board against any owner.

(f) Notwithstanding the foregoing, the provisions of this subsection shall not apply to any owner who adds or applies any chemicals or other substances that are recommended or approved by the State Department of Health to state waters in the course of processing or treating such waters for public water supply purposes, except where negligence is shown.

§ 62.1-44.34:18 Discharge of oil prohibited; liability for permitting discharge.

A. The discharge of oil into or upon state waters, lands, or storm drain systems within the Commonwealth is prohibited. For purposes of this section, discharges of oil into or upon state waters include discharges of oil that (i) violate applicable water quality standards or a permit or certificate of the Board or (ii) cause a film or sheen upon or discoloration of the surface of the water or adjoining shorelines or cause a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

Pollution Incident Investigation

Investigation Preparation

Preparation is key to performing a proper site investigation. Adequate preparation results in complete and accurate investigations and minimizes disruption of site activities. Prior to conducting an investigation, the PREP Coordinator should, as necessary:

- Determine the purpose and scope of the investigation.
- Review available information to develop an understanding of possible statutory and regulatory requirements and technical standards that may be applicable to the activity.
- Review relevant DEQ policy and guidance.
- Coordinate with appropriate DEQ media staff or other local, state and federal agencies as necessary.
- Develop a strategy for conducting the on-site investigation.
- Identify equipment needs.

Equipment Considerations

Appropriate equipment should be assembled prior to conducting any site investigation. Typical equipment that may be used during an investigation appear in Tables 6-1. and 6-2.

Table 6-1. – Safety Equipment

- | | |
|-------------------------|---------------------------------|
| ▪ Steel toe/shank shoes | ▪ Road shoulder closure signage |
| ▪ Safety glasses | ▪ Flashlight |
| ▪ Hard hat | ▪ Fire Extinguisher |
| ▪ Safety vest | ▪ Hand sanitizer |
| ▪ Gloves | ▪ First aid kit |
| ▪ Rubber boots | ▪ Insect repellent |
| ▪ Traffic cones | |

Table 6-2. – Investigation Equipment

- | | |
|---|---|
| ▪ DEQ ID (& other federal ID as required) | ▪ Binoculars |
| ▪ iPhone | ▪ Paint Pens |
| ▪ Field Notebook | ▪ Ruler or other distance measuring device |
| ▪ Pens, pencils, highlighters | ▪ Sampling containers, coolers/ice, field testing equipment |
| ▪ Camera | |

Coordination with Other Agencies

From the initial report, the PREP Coordinator may be able to identify issues in which other DEQ Program staff or other agencies may be interested. The PREP Coordinator should contact interested parties to coordinate site investigations and/or to coordinate on the potential use of investigation findings, e.g., coordinate with the local fire marshal, MS4 permittee, or other DEQ program compliance staff. Coordinating site visits will enhance and strengthen the Agency response.

Arrival & Facility Entry

DEQ is authorized to conduct site visits and investigations in response to pollution complaints. The DEQ may conduct announced or unannounced investigations. DEQ staff have the flexibility and discretion to arrange for announced investigations when the circumstances, facility history, security concerns, or facility personnel availability warrant it.

Pollution Incident Investigation

Upon arrival, the DEQ staff must:

- Locate appropriate facility personnel (owner or authorized representative) or the property owner.
- Identify personnel who have authority to assist with the investigation (i.e., on-site access, custody of records, tour of facility, answer questions, etc.).
- If the property use is non-commercial, identify the property owner or person in control of the property.
- State the reason for being at the property or facility and for making the visit (i.e., to conduct a pollution-related incident investigation).
- Present state-issued DEQ employee identification and/or other site access credentials, e.g., federal ID such as a TWIC, even when not requested. Display identification in sight while trying to locate appropriate facility personnel.
- Document entry in field notebook by indicating date, time, and name/title of facility personnel or property owner/operator encountered that authorized (or denied) access to the site and consent to perform the investigation.

Upon arrival, if the property owner or authorized representative cannot be located and prior permission has not been given to enter a site, staff shall not continue to conduct an investigation and must exit the property.

Guest Register & Waivers

DEQ staff may be requested to sign a guest register or logbook upon arrival. These ledgers record visitor names, affiliations, and contact

information and are useful in the event of a major emergency such as a fire or explosion where evacuation of personnel becomes necessary. Staff may sign guest registers but **must not sign any waivers or other legal documents limiting the staff's rights or the owner's responsibilities** while at the facility. Also, **staff must not sign any documents intended to limit the facility's liability** in the event of an accident.



See pages 4-5 of DEQ [Enforcement guidance memo 1-2011](#) (Enforcement Manual Chapter 8) regarding waivers.

Consent

The owner or operator in charge at the time of the site investigation must give consent to inspect the property or the facility. Consent to inspect may be withdrawn at any time by the facility or property representative.

If consent is withdrawn during an investigation, any portion of the investigation completed prior to such withdrawal is valid. If a facility representative withdraws consent, this equates to “denial of access” and should be addressed accordingly.

Consent to enter a facility is not required for staff to make observations from public areas, such as public roadways and right-of-ways.

Pollution Incident Investigation

During an investigation, a facility representative may limit or prohibit access to certain portions of the property or the facility (including records) temporarily or permanently. Such actions are similar to being denied access.

Denied Access

DEQ staff may be denied access for legitimate reasons such as failure to have proper ID or appropriate safety equipment, or if there is an on-going emergency creating unsafe conditions. In most cases, it should be possible to gain access later that day or the next day by satisfying the objections. A warrant is not needed in these cases.



Refer to Enforcement Guidance Memorandum No. 1-2011, which identifies situations that may be considered a denial of access.

<http://www.deq.virginia.gov/Portals/0/DEQ/Enforcement/GuidanceMemorandum1-2011Mar032011.pdf>

If access is denied, staff should:

1. Politely ask the reason for denied access and document the response in writing in the field notebook.
2. Not argue or threaten potential action such as penalties.
3. Advise the facility of DEQ's right of entry under the appropriate statute and/or permit and request entry again.

4. Document the date, time, names and titles of persons and reasons for denying access. If possible, obtain the signature of the facility representative denying access.
5. Exit the premises and document all observations made relevant to the site conditions and the denial, particularly if there are any suspicious activities that may be indicative of non-compliance.
6. Report access denial to immediate supervisor and request direction on appropriate action.
7. Consider options such as re-negotiating site access or obtaining administrative warrants.

Access by Warrant

Where necessary, Enforcement Program personnel may prepare or assist the DEQ staff with preparing relevant documents to obtain an inspection/investigation warrant. An affidavit will be developed to justify why an inspection/investigation warrant is necessary. When a warrant is obtained, it will be forwarded to the staff or appropriate law enforcement authority who will accompany the staff. (Refer to Enforcement Guidance Memorandum No. 1-2011.)

DEQ staff may also be added to a warrant obtained by another entity, e.g., local fire marshal. Staff should ensure the warrant explicitly lists the DEQ as a participant to the warrant and inspection /investigation activities. In these cases, DEQ staff should coordinate with the Enforcement Program staff to ensure appropriate coverage by the warrant.

Pollution Incident Investigation

When accessing a facility under an inspection/investigation warrant, staff should:

- Read and understand the warrant, including its authorities and limitations. If anything is unclear, questions should be asked and addressed prior to arrival at the facility.
- Be accompanied by a State Police Officer or equivalent local law enforcement officer particularly when there is a high probability site access will be refused again or there have been threats of violence.
- Not attempt to make forceful entry into a facility or enter in a manner inconsistent with the terms of the warrant.

Conducting Investigations Under a Warrant

Inspections/investigations conducted under warrant must be performed in strict accordance with the terms of the warrant. The warrant may restrict the scope of the inspection/investigation to very specific areas or only certain records. Staff must adhere to all warrant conditions and restrictions.

Dealing with Threats

In rare cases, DEQ staff may be threatened during an investigation. The manner in which individuals conduct themselves and the nature of the threat will dictate the most appropriate response.

Non-violent threats, such as complaining to the staff's supervisor, are not grounds for terminating the site visit unless accompanied by access denial or withdrawal of consent. In these cases,

circumstances should be fully documented and the staff should avoid making any statements to the facility representatives or property owner that could be construed as inflammatory, threatening, or retaliatory.

If violence is threatened directly or indirectly, or a real threat is perceived, DEQ staff should terminate the site visit and follow procedures for "Denied Access," but most importantly the staff should leave the premises immediately. In these cases, the staff should not return to the facility/property until further discussion with his/her supervisor and/or unless accompanied by other appropriate DEQ staff or law enforcement.

Opening Interview

After locating the appropriate facility representative or property owner, DEQ staff should conduct a brief opening interview to :

- State the purpose and scope of the site investigation.
- Obtain contact information and information about site activities.

The opening interview allows DEQ staff to establish control of the investigation in a firm and professional manner. Staff should remember they are in-charge of the investigation; facility/property personnel should not be allowed to direct or otherwise steer the course of the investigation.

Pollution Incident Investigation

In some cases, conducting the opening interview immediately after obtaining access may not be the most strategic approach. For example, staff may want to go directly to an area that is the subject of a complaint or is an area of suspected non-compliance to observe an activity before facility personnel have an opportunity to stop, or otherwise conceal the condition. In these cases, the opening interview may be held while gaining entry or en route to the area of interest with a full Opening Interview being deferred until later.

Physical Site Investigation

DEQ staff should conduct the investigation of the facility or property in a preferred order but remain flexible and adjust the planned approach to accommodate or capitalize on information gathered during the opening interview. DEQ staff may best understand site activities by following the flow of materials or a process at the facility. Following this approach ensures that DEQ staff identifies and evaluates the following:

- Practices and procedures implemented by the facility.
- Point source and area source emissions from process units.
- Wastewater generation, flow, and location of point source and non-point source discharges.
- Waste generation, management units, and possible release points.
- Suspicious conditions or activities that may indicate non-compliance.

DEQ staff should not feel hurried or pressured by facility personnel or the property owner, nor should facility personnel be allowed to direct the course of the investigation. Staff should be able to ask questions to verify information regarding site activities.

DEQ staff should walk the site to ensure all areas are evaluated, and a site plan/map and compass/GPS may prove useful for this purpose. Staff should attempt to accurately identify site features, potential release points, and any areas of non-compliance. Facility operators or property owners may assist by identifying key points of reference throughout the site.



In the absence of an official site plan/map, DEQ staff may hand draw a site map or use a variety of iPhone or Google Map apps to generate a site map during the investigation.

Documentation

Thorough and accurate documentation of observations is key to completing the investigation process and pursuing necessary and successful compliance and enforcement actions. The DEQ staff should record observations or findings using:

- Field notebook
- Maps, sketches or diagrams
- Photographs
- Photocopied records

Pollution Incident Investigation

Field Notebooks

Field notebooks are used to document investigation activities and generate the pollution investigation report. The following information is required for each investigation:

- Arrival date and time
- Departure time
- Person authorizing/denying access
- Facility point of contact and contact information
- Site activities
- Weather conditions

The following should be included as appropriate:

- Observations
- Notes on conversations and verbal comments
- Photography points, sketches, diagrams
- Areas of potential non-compliance and compliance
- Summary of the opening and exit interviews
- Description of field monitoring activities and data results

Field notebooks are considered part of DEQ's administrative record.

Photos

Photographs should be used to support field observations, as appropriate. For each photograph, a notation should be made in the field notebook which identifies the:

- Facility name
- Date and time
- Photographer's name
- Location within the facility
- Direction of the photograph
- Unique or non-compliant item or area photographed
- Any other pertinent information (i.e., weather)

When taking photographs, it may be useful to include an item for scale.

Photographs can provide excellent documentation of site conditions and may be the best way to document situations that are difficult to describe verbally or in writing. Photographs can provide information for use in:

- Preparing the investigation report
- Briefing other staff not present during the investigation
- Meetings
- Preparing for future investigations

In the event that photographs cannot be taken (e. g., federal military facility or other secure facility) you may ask the facility representative to take a photo(s) of the specific area or item of interest. At the conclusion of the investigation, the facility may review the photos for confidential business information or security concerns and then forward and send the photos to the DEQ by CD, email or VITA Share.

Pollution Incident Investigation

As a result of the cost to DEQ of electronic storage, electronic filing of documents has limitations. While staff may take several photographs on site, not all pictures should be incorporated into the final investigation report. For those observations of potential non-compliance, staff should include one photograph of each alleged violation. If several photographs were taken of a single entity or area, staff should select the photograph that best represents what was observed to include in or with the final report. If staff took photographs for reference or baseline purposes, staff should select one photograph of each area or section that provides the best point of reference or comparison.

The selected photographs may be directly incorporated into the investigation report if the format is Microsoft Word. If the report is generated through CEDS, then the photographs should be included as an attachment. For each photograph, staff should include narrative describing what was observed along with the date, time, and location.

Photographs not included in the investigation report should be discarded upon completion of the final report. Photographs included as part of the investigation report or enforcement action should be stored as JPEG files to minimize storage space within ECM.

Photographs should be formatted as JPEG files prior to pasting the picture into a Word document or attaching to the investigation report.

Exit Interview

The Exit Interview allows the DEQ staff to meet with facility officials to ask follow-up questions, review investigation findings, and respond to questions. This meeting is an opportunity to:

- Ask and answer questions.
- Obtain documents not previously gathered from the facility or property owner.
- Request additional information not available at the time of the site visit.
- Verify photographs that the facility will provide to DEQ (if applicable).
- Advise the facility of investigation observations and potential actions from DEQ.

DEQ staff should take a few minutes to prepare prior to conducting this meeting. In preparing, staff should:

- Review their investigation notes.
- Identify any questions that still require answers before leaving the facility.
- Determine the best order and approach to discuss investigation findings.
- Consider how definitively to present investigation findings.
- Anticipate questions the facility may ask and be prepared to respond to them.

DEQ staff should discuss areas of concern or non-compliant conditions observed or identified during the investigation, including potential DEQ responses to them.

If DEQ staff plan to issue a Request for Corrective Action (RCA) Form (see Chapter 6), the form should be issued during the Exit Interview. DEQ staff should explain:

Pollution Incident Investigation

- Areas of non-compliance
- Expected documentation required to demonstrate a return to compliance
- Timeline for completing corrective actions
- Timeline for responding to the RCA Form

If DEQ guidance requires that a Warning Letter or Notice of Violation be issued to address the observed areas of non-compliance, DEQ staff may explain to the RP that the DEQ will consult the agency's policies and will prepare a response based on this evaluation.

The RP may challenge specific observations, ask for clarification of requirements, or request assistance in understanding how to correct or respond to non-compliance. DEQ staff should be prepared to answer relevant compliance questions, but should not hesitate to defer answering questions for which they are uncertain or do not have authority. In these instances, DEQ staff should simply advise the facility of plans to follow-up on deferred questions or refer them to DEQ staff in the appropriate program for answers to questions.

The exit interview is a good time to provide compliance assistance. Staff should be tactful when discussing problems and providing compliance assistance and avoid dictating, demanding, or recommending a specific action be taken. The facility is ultimately responsible for determining how best to meet the compliance standard. Staff should avoid making guarantees that performing certain actions will obtain compliance. Staff should not make recommendations that imply DEQ has a "consultant" role. Further, staff should not recommend any specific consultant or consulting

firm, even upon request. If requested, simply recommend the facility perform an Internet search or consult the phone directory.

Pollution Investigation Report

For each site investigation, DEQ staff will evaluate a RP's (RP) actions for compliance with the environmental requirements administered by the DEQ. If staff identifies issues concerning, and alleged violations of, enforceable environmental requirements, staff will need to prepare a Pollution Investigation Report (Attachment B) and review Chapter 7 for guidance on selecting the appropriate compliance procedure. (NOTE: A Pollution Investigation Report may not be necessary when a "RCA" form is used. See Chapter 7 for additional guidance on the use of RCAs.)

A Pollution Investigation Report will contain a brief description of the initial complaint or incident and a factual description of the staff's observations and conversations with the RP or other individual's on site. The report may include any follow up actions that the RP has taken following the site investigation to correct the identified issues.

The Pollution Investigation Report may contain photos to support a description of the issue and document observations and alleged areas of non-compliance. Site maps and process flow diagrams may also assist with documenting the exact location of an issue and/or relationship to surrounding receptors.

The Pollution Investigation Report shall be uploaded to ECM with reference to the appropriate IR #.

7. Compliance Procedures

Compliance Evaluation

When responding to pollution-related incidents or complaints, DEQ staff will evaluate a RP's actions for compliance with environmental requirements -- the statutes, regulations, case decisions (including but not limited to permits and orders), decrees, or certifications that are enforceable by one of the three citizens' boards (State Air Pollution Control Board, State Water Control Board (SWCB), or Virginia Waste Management Board) or by DEQ. If staff identifies issues concerning any alleged violations of enforceable environmental requirements, staff will need to evaluate the full range of compliance and enforcement procedures and select the most appropriate one(s) for each case. The full range of compliance procedures are covered by the following:

- General Compliance and Enforcement Procedures (Enforcement)
- DEQ Program Guidance (Air, Land, and Waste)
- PREP Manual Annexes

After consulting the relevant program guidance and procedures, DEQ staff, in consultation with the appropriate media program contacts, will select the most appropriate written correspondence: Informal corrections, Warning Letters or Notices of Violations.

Compliance & Enforcement Procedures

The Enforcement Division maintains guidance on general compliance and enforcement procedures to assist DEQ staff when evaluating, processing and adjudicating a violation of an environmental law or

regulation. The policies and procedures are provided to promote consistency and fairness in the compliance and enforcement process.



[General Compliance Procedures](#)

[Civil Enforcement Manual](#)

Chapter 2: General Enforcement Procedures

Chapter 2A: Attachments

DEQ Program Guidance

Each of the DEQ's major programs, including Enforcement, Air, Land Protection & Revitalization, and Water programs, have developed policy and guidance for selecting the most appropriate compliance and enforcement procedure in response to a pollution-related incident. To ensure statewide consistency, DEQ staff must be familiar with and consult the policy and guidance established by each program.

Air Program

Within the Air Division, the Office of Air Compliance Coordination (OACC) is responsible for policy development and assessing program effectiveness. Additionally, the OACC is responsible for assisting regional staff in their work.

OACC maintains an Air Compliance webpage on DEQNet, which contains links to key policy and guidance documents.

Compliance Procedures

If PREP receives a complaint related to a registered or permitted air source, the PREP Coordinator will refer the complaint to the Air Compliance Program for investigation and resolution.



- [Air Laws](#)
- [Air Regulations](#)
- [Air Compliance Guidance](#)

Petroleum Program

Within the Land Protection & Revitalization Division's Office of Spill Response and Remediation (OSRR), the Petroleum Program maintains a series of guidance documents to assist regional staff with execution of application of Virginia's laws and regulations pertaining to the storage of petroleum and the cleanup of releases of petroleum.



- [State Water Control Law](#) – Petroleum (Articles 9-11)
- [State Water Control Regulations](#) – Petroleum (Chapters 91-101, 580, 590, 640)
- [Petroleum Program Guidance](#)

Land Protection & Revitalization Program

Within the Land Protection & Revitalization Division, the Office of Financial Responsibility and Waste Programs has developed a Solid Waste Inspection Manual and a hazardous waste compendium to assist regional compliance staff with determining the appropriate compliance and enforcement response to a waste-related pollution incident.



- [Waste Laws](#)
- [Waste Regulations](#)
- Waste Compliance Guidance
 - [Solid Waste](#)
 - [Hazardous Waste](#)

See also [Hazardous Waste Compendium](#)

Water Program

Within the Division of Water Permitting, the DEQ issues various permits for point source and non-point source discharges of pollutants and administers regulations to mitigate impacts to state waters, including wetlands. The Water Permitting Division has developed a series of Guidance Memos to assist Water Compliance Auditors with determining noncompliance with the State Water Control Board laws, regulations and permits and with selecting the appropriate compliance and enforcement response.

PREP Coordinators will consult the various guidance documents and water compliance auditors when determining how to address an issue of non-compliance.



- [State Water Control Law](#)
- [State Water Control Regulations](#)
- [Water Compliance Guidance](#)

Compliance Procedures

Additional Water Program Guidance

- [Guidance Memo No. 02-2010, Amendment No. 2 Compliance Auditing Manual Revisions – Section I “Spills”, Section J “Inspection” and Appendix I “Point Assessment Criteria”](#) update the compliance auditing procedures and the point assessment criteria related to spills and inspection deficiencies.
- [Guidance Memo No. 02-2010, Amendment No. 3 Compliance Auditing Manual Revisions – Section I A “VPDES – DMRs Processing Procedures”](#) Provide the Compliance Auditors guidance for the VPDES, VPA, and VWP permit programs in carrying out their compliance auditing duties.
- [Guidance Memo No. 15-2004 Point Assessment for Alleged Violations of the Construction Stormwater Permit Criteria and Enforcement Referral Guidance](#) evaluating noncompliance with the General VPDES Permit for Discharges of Stormwater from Construction Activities Regulations, Virginia Stormwater Management Program Regulations, and the State Water Control Law and provides a point system for determining the appropriate compliance response, including when to refer cases to the Division of Enforcement.
- [Guidance Memorandum No. 10-2002 Virginia Water Protection Permit Program Noncompliance Determination and Enforcement Referral Guidance](#) Evaluating noncompliance with Virginia Water Protection Permit (VWPP) Program regulations and provides a point system for determining the appropriate compliance response, including when to refer cases to the Division of Enforcement.
- [Guidance Memo No. 15-2001 Process for Determination of Noncompliance with the General VPDES Permit for Stormwater Discharges Associated with Industrial Activity, VAR05](#) Addresses compliance response to effluent violations.

PREP Manual Annexes

The PREP Manual will contain a series of Annexes that will address specific pollution-related incidents. Each annex will contain the following elements:

- Description of type of pollution-related incidents.
- Identifies DEQ program guidance and policy.
- Provides a decision tree for determining the appropriate compliance and enforcement response to noncompliance.
- Supplemental references and job aids for DEQ staff to fully assess the incident.

Compliance Correspondence

DEQ staff will use three types of correspondence to notify RPs of issues or alleged violations:

- **Informal Corrections (PREP Request for Corrective Action, RCA)**
- **Warning Letters (WLs)**
- **Notices of Violation (NOVs)**

The following sections provide the framework for selecting and using one the three types of correspondence and are based on the DEQ’s general compliance and enforcement guidance.

Compliance Procedures

Informal Corrections

Circumstances for Informal Corrections

DEQ compliance staff use Informal Corrections to notify the RP of issues concerning environmental requirements and to secure compliance when staff expect that a problem can be corrected in 30 days or less, unless a higher level response is required by law, regulation, or guidance. If the RP completes and documents a satisfactory and durable return to compliance within the time allowed, the matter can be closed without further action. Situations that meet all of the following criteria may be appropriate for Informal Correction:

- Issues that can ordinarily be corrected within 30 days;
- Issues that do not present a substantial or significant threat to human health or the environment, and do not result in actual harm;
- Issues that are not substantial or significant deviations from fundamental components of the regulatory program; and
- RPs/facilities that are infrequent violators (varies by program and the degree of regulatory oversight).

Informal corrections are not to be used for issues that are alleged violations meeting the criteria for Warning Letters or for NOVs (e.g., High-Priority Violators (HPVs) in the Air Program, or Significant Non-Compliers (SNCs) in the Hazardous Waste or Water VPDES Programs). An informal correction would not be appropriate for spills of oil equal to or greater than 150 gallons, any portion of which reaches state waters.

Elements of Request for Corrective Action (RCA)

DEQ staff initiates an Informal Correction by preparing and issuing a PREP-specific Request for Corrective Action (RCA) form. The RCA form is a two-ply carbon form that documents the following information:

- Investigation date and time and RP information
- Observations and Apparent Non-Compliance
- Regulatory requirement
- Response deadline and recommended documentation
- DEQ staff contact information

The RCA form contains pre-printed citations for the most common non-compliance issues for which an RCA is appropriate, including the following:

- Oil discharge ([State Water Control Law Va. Code § 62.1-44.34:18](#) (Article 11) A.)
- Discharge to state waters ([State Water Control Law Va. Code § 62.1-44.5.](#))
- Unpermitted management of solid waste ([Va. Code § 10.1 -1418.1](#) and 9VAC20-81-40.A.)
- Tires ([Va. Code § 10.1 -1418.2 B.](#))

The RCA form also contains a line for observations of alleged non-compliance related to other DEQ statutes and regulations that are appropriate for informal corrections.

Compliance Procedures

Process for Informal Correction Resolution

DEQ staff will convey any concerns regarding alleged noncompliance to the RP promptly after discovering an issue or concern. Where compliance issues meet the circumstances for an informal correction, the staff will prepare an RCA that contains all the elements described in the previous section. (See Attachment B and Chapter 6. Exit Interview.)

Typically, the RCA will be completed and issued to the RP during an Exit Interview immediately following the investigation. If the RP is not available at the completion of the investigation, staff may return to the office and contact the RP by telephone or e-mail or schedule an informal meeting at the regional office or onsite to discuss the compliance issues. The RCA may be sent by mail. It is appropriate to issue an RCA even if a Warning Letter or Notice of Violation may follow.

Staff will provide the RP with 20 days to respond to the RCA and recommend the type of documentation to include with the response to document compliance with the relevant statutory or regulatory requirement.

Usually, the RP informs staff what steps it is undertaking and when they will be completed. Unless the RP provides reliable written or electronic verification of its actions, DEQ staff should verify the RP's actions onsite. Staff will document all contacts, requests to the RP, and RP actions in the DEQ file and the relevant database and may send an acknowledgement letter or email to the RP.

DEQ staff will scan and upload a copy of the RCA to ECM and will enter an Event Code for “*Informal Correction Letter*” issued in the Event Tab of the PREP Database.

If the RP does not return to compliance within 30 days (or longer time as prescribed in program guidance), staff should issue a Warning Letter.

Warning Letters

Circumstances for Warning Letters

DEQ staff use Warning Letters to notify the RP of alleged violation(s) and to secure compliance when staff expect that the violation(s) can be corrected within 30 to 90 days, unless the alleged violations meet the criteria for an NOV (e.g., HPVs and SNCs). Specifically, Warning Letters must be issued for oil discharges greater than or equal to 150 gallons but less than 500 gallons, if any part of the discharge reaches the state waters¹, unless an NOV is appropriate. If the RP completes and documents a satisfactory and durable return to compliance within the time allowed, the case can be closed without further action.

¹ Except: (1) releases from farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes (9 VAC 25-80-10) (“UST” definition); (2) releases from tanks used for storing heating oil for consumption on the premises where stored (Id.); (3) discharges from aboveground storage tanks with a capacity of 5,000 gallons or less containing heating oil for consumption on the premises where stored (Va. Code § 62.1-44.34:17(E)). Warning Letters for Article 11 oil releases or discharges described in (1) through (3), in the amounts specified may be issued but are not mandatory. State Water Control Law prohibits discharges to any waters of the Commonwealth. The guidance is intended to be applied to discharges primarily to surface waters. If the discharge of oil is to ground water, RO staff should consult the program office and DE regarding the proper course to follow

Compliance Procedures

Elements of Warning Letters

The elements of a Warning Letter are listed below:

- A named RP verified through the State Corporation Commission (SCC), land records, or other appropriate means. The name may or may not match the name on a permit;
 - The facility or source name and its permit, registration, or pollution complaint/ incident response (PC/IR) number;
 - Notice that DEQ has reason to believe that the RP may be in violation of applicable laws, regulations, or permit requirements at the facility or source;
 - Disclaimer that the Warning Letter is not a case decision under the APA;
 - Description of the facts underlying each alleged violation (the observations) – what was seen by DEQ staff, stated by facility representatives, or reported by the facility or source. The observations should correlate with the legal requirements that follow. Observations are not speculations, opinions or conclusions. In particular, Warning Letters should not conclude that the observed or reported condition “has violated” or “is in violation of” an environmental requirement;
 - The specific provision of law, regulation, permit condition, order or enforceable certification that has been allegedly violated (the legal requirements). This includes a citation to the requirement and a concise quotation of the applicable portion of the requirement (not paraphrased), both in bold font. Legal requirements are set out adjacent to the related observations;
- Statement of the enforcement authority and options available to DEQ; Statement of future actions and a request that the RP respond within 20 days of the date of the Warning Letter, detailing the corrective action it has or will take;
 - Request that the RP advise of disputed observations or other pertinent information;
 - The process for obtaining a case decision or fact finding on whether or not a violation has occurred, including the Process for Early Dispute Resolution (PEDR); and
 - DEQ contact information.

Model Warning Letters

See Enforcement Manual, Chapter 2A, Attachments for model Warning Letters, which contain standard Warning Letter paragraphs with references to authorities for each media program. The model letters demonstrate how various types of information can be presented (e.g., on-site observations, data sets, facility reports).

Process for Warning Letters

DEQ staff provides the Warning Letter in a timely manner to the RP – within 30 days of discovery of the alleged violation unless program specific guidance provides for a different time. Any DEQ staff with written authorization from his or her Regional Director (RD) or Division Director (DD) (including as a job duty in an approved Employee Work Profile (EWP)) can sign a Warning Letter.

Compliance Procedures

Warning Letters request that the RP verify the corrective action or provide a plan and schedule for returning to compliance. A meeting may be necessary. If the RP's proposal is acceptable:

- No further action memorializing the plan and schedule need be undertaken if the return to compliance will take 90 days or less from the date of the letter.
- If the return to compliance will take more than 90 days but under 12 months, then a compliance agreement (see Letters of Agreement) may be appropriate.
- If the return to compliance will take longer than 12 months, or if a compliance agreement is not appropriate, then a Consent Order must be used to memorialize the plan and schedule. Note: consent orders preceded only by a Warning Letter do not impose a civil charge. If a civil charge is appropriate, an NOV should be issued.

DEQ staff will attach a Pollution Investigation Report that supports the Warning Letter and helps the RP understand the alleged violations. The report may include photographs, maps, and copies of relevant regulations or laws.

The RP's response informs DEQ staff what steps the RP is undertaking and when all actions will be complete. After issuing a Warning Letter, DEQ staff will track and follow-up on any actions required to ensure a return to compliance. Staff should check on the status of the RP's actions no later than 30 days following the issuance of the WL.

Unless the RP provides reliable written or electronic verification of its actions, DEQ staff should verify the RP actions onsite.

To confirm the RP has returned to compliance, staff may obtain written or electronic confirmation from the RP, conduct a follow-up site visit, or both. Staff will document all correspondence and follow-up site visits in ECM and the PREP Database.

Additional Warning Letters

DEQ staff may issue additional Warning Letters for alleged violations found during subsequent inspections, site visits and/or record reviews, unless the alleged violations demonstrate conditions to support an NOV or program policy requires otherwise. For example, the Water Program issues additional Warning Letters for each additional full point in the Compliance Auditing System (CAS) unless an NOV is appropriate.

Subsequent Actions

If the RP agrees to, completes, and documents a satisfactory and durable return to compliance, staff should send an acknowledgement or case closure letter (Enforcement Manual, Chapter 2A, Attachment 2-3) to close out the matter.

If the RP fails to adequately respond to the Warning Letter within 30 days or fails to return to compliance within 90 days, DEQ staff should refer the issue to the relevant media for the development of an NOV and referral to the Enforcement Program.

Compliance Procedures

Notices of Violation

DEQ staff use NOV's to notify the RP of alleged violation(s) and to signify that the alleged noncompliance is ongoing, persistent, severe, or of such significance that the case is appropriate for further enforcement action and may warrant a civil charge or civil penalty. NOV's mark the transition from compliance to enforcement. If the alleged violations are confirmed, DEQ usually resolves NOV's by Consent Order, Executive Compliance Agreement (ECA), or other formal enforcement tool. NOV's request the RP to contact DEQ within 10 days to discuss the alleged violations, the steps necessary to return to compliance, a prompt meeting date, and possible future enforcement actions.

If DEQ staff determines an NOV is the appropriate procedure to address the issue of noncompliance, the staff will prepare a site investigation report and/or other documents that supports the Notice of Violation and helps the media program staff, Enforcement staff and the RP understand the alleged violations. The investigation report may include photographs, maps, and copies of relevant regulations or laws.

DEQ staff will work with the relevant media program staff and the Enforcement Manager to draft the NOV.

Selection of Appropriate Response

As stated earlier, staff will need to evaluate the full range of compliance and enforcement procedures and select the most appropriate one(s) for each case. For example, RCA's may not be used for issues that are alleged violations meeting the criteria for Warning Letters or for NOV's. To encourage consistency across regions, Table 7-1. provides general guidance for selecting the appropriate minimum procedure and is based on relevant program guidance. It may be appropriate under certain circumstances for staff to start with a higher level compliance response. If staff deviates from the recommendations in Table 7-1, i.e., selecting a lesser approach, the reasons should be well documented. Deviation should only be made after consulting with relevant program.

Compliance Procedures

Table 7-1. Selecting appropriate compliance

	RCA	Warning Letter	Notice of Violation
Storage of less than 100 waste tires <u>not</u> at the site of generation ¹	√		
Storage of more than 100 waste tires but less than 500 tires on the ground ²		√	
Storage of more than 500 waste tires on the ground ³			√
Discharge of oil in amounts less than 150 gallons, where any portion reaches surface waters ⁴	√		
Discharge of oil in amounts greater than or equal to 150 gallons but less than 500 gallons, where any portion reaches surface waters ⁴		√	
Discharge of oil in amounts greater than or equal to 500 gallons, where any portion reaches surface waters ⁴			√
Spill into surface waters and discharge to surface waters not authorized by permit ⁵	√		
Unpermitted disposal of solid waste where waste can be removed in less than 30 days	√		
Unpermitted disposal of solid waste where waste can be removed in less than 90 days		√	
Unpermitted disposal of solid waste where waste removal will take more than 90 days and/or where clean closure cannot be achieved			√
Open burning of solid waste where solid waste and residual ash/soil contaminants can be removed within 30 days	√		
Open burning of solid waste where solid waste and residual ash/soil contaminants can be removed within 90 days		√	

¹ 9VAC20-81-95.D.12. contains an exemption for <100 tires at site of generation, provided no hazard or public nuisance caused and no waste tires brought from off-site.

² §10.1-1418.2. contains exemptions for salvage yards licensed by DMV. Under §10.1-1418.2.D. salvage yards are exempt provided they have fewer than 300 waste tires and the waste tires do not pose a hazard or a nuisance or present a threat to human health and the environment. Under §10.1-1418.2.F., the storage of less than 1,500 waste tires in a container at a convenience center or at a salvage yard is exempt, as long as the tires are not being speculatively accumulated, or the storage of tires for recycling or for processing to use in manufacturing a new product, as long as the tires are not being speculatively accumulated. Any person who knowingly violates any provision of this section shall be guilty of a Class 1 misdemeanor.

³ §10.1-1418.2.A. and F. allow for the storage of more than 500 waste tires in a trailer. This may be at the site of generation or from a tire dealership owning multiple shops who designates one site as a “convenience center” where they receive all of the tires from the other shops. In this case, the tires must be on a regular schedule of removal and stored in trailers (up to 1,500 tires). DMV licensed salvage yards may also store up to 1,500 tires in a trailer. The site cannot receive waste tires from collection vehicles that have collected waste from more than one real property owner. Under §10.1-1418.2.C. Any person who knowingly violates any provision of this section and such violation involves 500 or more waste tires shall be guilty of a Class 6 felony.

⁴ Except: (1) releases from farm or residential tank of 1,100 gallons or less capacity used for storing motor fuel for noncommercial purposes (9 VAC 25-80-10) (“UST” definition); (2) releases from tanks used for storing heating oil for consumption on the premises where stored (Id.); (3) discharges from aboveground storage tanks with a capacity of 5,000 gallons or less containing heating oil for consumption on the premises where stored (Va. Code §62.1-44.34:17(E)). Warning Letters for Article 11 oil releases or discharges described in (1) through (3), in the amounts specified may be issued but are not mandatory. State Water Control Law prohibits discharges to any waters of the Commonwealth. The guidance is intended to be applied to discharges primarily to surface waters. If the discharge of oil is to ground water, RO staff should consult the program office and Division of Enforcement regarding the proper course to follow.

⁵ The Water Compliance Auditing Manual (http://deqnet/docs/water/Water_Compliance_Auditing/GM02-2010.Water_Compliance_Auditing_Manual.doc) establishes guidance for selecting the appropriate compliance response to an illicit discharge. See Appendix 1 of the Water Compliance Auditing Manual.

Compliance Procedures

Case Closure & File Documentation

DEQ staff shall write an after-incident closure report¹ and establish a pollution incident file (database & ECM) for cases that meet the following criteria:

- Any reported incident that involves a field response by PREP.
- Any reported incident that involves expenditure from the Virginia Petroleum Storage Tank Fund or the Virginia Environmental Emergency Response Fund by PREP.
- Any incident that requires the PREP staff to advise, consult, negotiate with, or direct any state, federal, or local government entity, or RP.

Depending on the incident, the incident closure report¹ may be brief, but should be detailed enough to provide an understanding of the incident and its resolution.

The pollution incident file must contain (if applicable) at a minimum:

- The incident report
- All written and electronic correspondence sent and received
- All contractor reports documenting investigation and cleanup
- A narrative report (memorandum) describing actions taken by the DEQ
- Documentation of investigative costs on approved spreadsheets and that include the following:

- Number of work hours spent on the investigation and case development
- Contractor costs
- DEQ vehicle mileage
- Laboratory analysis costs, and other related costs,
- Copies of the field notes

- A map of the site (usually a topographic map; a schematic is acceptable)
- Photographic evidence of the incident
- Copies of all lab reports.

¹ the closure report requirement may be satisfied by the database closure event notes, provided the closure notes, the remaining database record and ECM documents are detailed enough to describe the incident and its resolution.

8. Database Entry Requirements

To ensure the timely resolution of pollution incidents and the documentation of the resolution, the following data entry requirements apply to each pollution incident reported to DEQ. See the PREP Database User Manual for detailed instructions on how to use the database. Note: only incidents **Only where DEQ has jurisdiction will be assigned an IR#.**

Call Intake Form or Online Reporting Portal

To follow up with a RP on a pollution incident, the information in Table 8-1. is required to the extent that the information can be obtained. Every effort should be made to obtain the information.

Table 8-1. Call Intake Form

FIELD	REQUIRED INFORMATION
Responsible Party:	Provide RP's name and contact info. If the RP is unknown, select pre-entered contact listed as " Unknown, Unknown " (Contact exists in database).
Reported By:	Should either have "Anonymous" or the Contact Information for the Caller.
Contact on Scene/ Property Owner:	Contact Info
Site Name:	Provide a site name. Preferably use one of the following conventions: <ul style="list-style-type: none"> • RP's last name or company name, • Use HMVA Report Number assigned by VDEM, or • Use special prefix for statewide emergencies
Site Address:	Provide street number and street name, or in the absence of such details, provide a description of location, e.g. mile marker 42, NB I-85.
Site City:	Where available
Site Zip:	Where available

Incident Detail Tab

To ensure a complete administrative record of the incident and agency actions, sufficient incident details must be entered into the database. Table 8-2 outlines the minimum requirements.

Table 8-2. Incident Detail

Water Body Affected:	If no water body affected, select "NA." Otherwise, select correct water body.
Materials Involved:	Materials, Low Range Amt, High Range Amt, Units
Site Summary Notes:	Provide a summary of the incident, DEQ actions, and compliance and enforcement actions. Reference HMVA and NRC report numbers. Use this field to provide details about the incident or complaint not captured anywhere else. Reference other parts of the database for additional info, e.g., site visit record, phone record, and reference other databases such as ECM. Use this area to document verbal informal corrections here.

Database Entry Requirements

Incident Type Tab

To identify all applicable and relevant statutes, regulations, and media-specific program requirements, both the primary and sub-incident types (where appropriate) must be entered. Select all that apply, i.e., an incident may involve multiple incident and sub-incident types.

Events Tab

At minimum, enter event types, date, staff person, enforcement tracking number, or reason for returning site to compliance (e.g., completed schedule of compliance) or reason for closing case (e.g., all corrective actions completed; referred to enforcement and order issued). (See Table 8-3.) NOTE: Be sure that all referenced documents associated with the below events are entered into ECM.

Table 8-3. Events

Event Type	Comments
5-Day Letter	Enter date response is due.
Closure Letter	See notes on Case Closure field (below).
Informal Correction Letter	The “Informal Correction Letter” to be replaced by “Request for Corrective Action Form.” Enter response due date.
IR Referred to Enforcement	Include or reference reasons for referral and/or documentation referral is based on. Enter referral date (which may be the date of the NOV)
Warning Letter	Enter response due date.
Notice of Violation	Enter date response is due and Include NOV #.
Return to Compliance (RTC)	In open text field, enter explanation for RTC if not documented elsewhere in database, e.g., case closure event notes. Insufficient to say only NFA; must include rationale.

Database Entry Requirements

Sewage Info Tab

The PREP database is used to track Sanitary Sewer Overflows (SSOs) from unpermitted conveyance systems, which cannot currently be tracked in the CEDS Water Compliance module. PREP may capture information and data related to the initial incident and any required investigation. As owner of the SSO data, the Water Compliance Program will enter the required compliance information into the Sewage Info Tab in the PREP database to document resolution, including the five-day letters, unless the PREP Coordinator is performing this task under the DEQ’s Resource Sharing Policy . (See Chapter 5, page 5-6 for more information on resource sharing.)

Case Closure

PREP case closures must be properly documented as detailed in Table 8-5.

Table 8-5. Case Closure

Case Closure	In open text field, enter explanation for the return to compliance (RTC) if not documented elsewhere in database, e.g., case closure event notes. It is insufficient to say only “NFA”; a rationale for closure must include. If a PREP case has been referred to another program and that program will continue to track the pollution incident in a program-specific database, the program receiving the referral shall close the PREP incident and include any requisite program reference data in the PREP case closure comments.
---------------------	--

9. Notifications to Federal, State & Local Agencies

Notifications to other state agencies and DEQ Programs

After receiving a report or notification of a pollution incident and depending on the circumstances surrounding the incident, DEQ staff may need to forward information about the incident to another state agency or another DEQ program. Tables 9-1 and 9-2 contain contact information for state agencies and key DEQ programs.

Table 9-1. Notifications to State Agencies

STATE AGENCIES		
Virginia Emergency Operations Center	800-468-8892	When VDEM and DEQ are coordinating on an oil/hazmat incident, staff may be asked to call the VEOC to provide incident updates
Department of Health	PREPAdm@vdh.virginia.gov (866)531-3068	VDH provides a number of services including: environmental health hazards protection; drinking water protection; emergency preparedness response and recovery. Staff shall notify VDH, if a pollution incident results in: the release of oil, hazardous materials, or sewage to surface water or groundwater; fish kill; the release of particulates or toxic fumes; or threatens public health in any other way.
Department of Game & Inland Fisheries	BUSINESS HOURS Ernie Aschenbach (804) 367-2733 Ernie.Aschenbach@dgif.virginia.gov AFTER HOURS dispatch@dgif.virginia.gov 800-237-5712	DGIF's mission is to manage Virginia's wildlife and inland fish. Staff shall notify DGIF if a pollution incident results in the injury or mortality of wildlife and/or fish populations. Staff may make a concurrent notification to USFWS. (See Table 9-3.)
Virginia Department of Agriculture & Consumer Services		VDACS regulates pesticide application. Staff shall notify VDACS about pollution incidents that involve the improper storage and misapplication of pesticides.
Department of Historic Resources (State Historic Preservation Office, SHPO)	Roger Kirchen Office: 804-482-6091 roger.kirchen@dhr.virginia.gov	DHR's Division of Review and Compliance (DRC) advises and assists Federal and state agencies in determining whether projects will affect significant historic/cultural resources. If undocumented discoveries are encountered during a response action to a pollution incident, staff shall notify DHR.
Virginia Marine Resources Commission	VMRC DISPATCH 800-541-4646	VMRC has regulatory authority for state water bottoms. If a pollution incident results in oil/hazmat release that could affect shell fish beds or if the pollution incident involves a sunken boat, staff shall notify VMRC.
Department of Mines, Minerals & Energy	Chris Whitt chris.whitt@dmme.virginia.gov Office: 276-523-9693 Cell: 276-298-5896	If a pollution incident is related to oil or gas extraction or collection activities, staff shall notify DMME of the incident.

Notifications to Federal, State & Local Agencies

Table 9-2. Notifications to Other DEQ Programs

INTRA-AGENCY NOTIFICATIONS		
Significant pollution response incidents	Central Office Pollution Response & Preparedness Program 804-698-4287 (o) 804-986-5588 (c) 804-310-9215 (c)	If a pollution incident is significant in incident type or scale, has potential public health impacts, or has real or potential high media, political or public interest, staff shall notify the Central Office Pollution Response & Preparedness Specialist or Manager.
Virginia Petroleum Storage Tank Fund – State Lead Contracts	State-Lead Program Manager (OSRR)	If a contract is issued under the VPSTF, staff shall notify the State-Lead Program Manager in OSRR.
Water monitoring required	Central Office Water Monitoring and Assessment Program Manager	If the reported incident requires surface water monitoring, the applicable Regional Office Water Monitoring Program will provide monitoring support and the Central Office Water Monitoring and Assessment Program Manager will be notified.
Harmful Algal Blooms	Roger Everton TRO Water Compliance Manager	The agency coordinates with VDH and VIMS on incidents involving HABs. Staff shall notify Roger Everton when the agency receives a report of a HAB.
Clearing within a Resource Protection Area (as defined under the Chesapeake Bay Preservation Act)	Chesapeake Bay Preservation Act Program Manager	The Bay Act Regulations establish the Resource Protection Area (RPA) as the “landward” component of the Chesapeake Bay Preservation Area. RPA’s are composed of tidal wetlands, non-tidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow, tidal shores, such other lands considered necessary to protect the quality of state waters and a 100 foot buffer adjacent to and landward of these features. If clearing occurs within the buffer, staff shall notify the Program Manager.

Notifications to Federal, State & Local Agencies

Notifications to federal agencies

Depending on the size and type of pollution incident, federal agencies may be involved in the response action. Where federal interest exists, DEQ staff may need to share information about the incident with federal agencies. Table 9-3 contains contact information for key federal partners.

Table 9-3. Notifications to Federal Agencies

FEDERAL AGENCIES		
National Response Center	800-424-8802	The Responsible Party is responsible for making notification to the NRC when a release threshold has been exceeded.
Environmental Protection Agency – Region 3 Regional Response Center	215-814-3255 R3_RRC@epa.gov	The Region 3 RRC is staffed 24 hours per day and can contact EPA OSCs and provide additional resources.
USCG Sector Hampton Roads – Command Center	800-468-8892	The Command Center is staffed 24 hours per day and provides valuable information and coordination capability to the USCG, government agencies and port partners.
National Oceanic and Atmospheric Administration – Scientific Support Coordinator	Frank Csulak O. 732-872-3005 C. 732-371-1005 frank.csulak@noaa.gov	The SSC provides assistance to the FOSC by facilitating the spill trajectory estimates, chemical hazards analyses, and assessments of the sensitivity of biological and human-use resources.
US Fish and Wildlife Service	804-829-5627	FWS personnel respond to spills of hazardous materials to provide scientific and technical advice relative to impacts on fish and wildlife and the environment. FWS maintains expertise in mitigating the effects of oil spills and hazardous materials.
US Department of the Interior – Regional Environmental Officer	Lindy Nelson Office: 215-597-5378 Cell: 215-266-5155 lindy_nelson@ios.doi.gov	DOI is responsible for the management and conservation of most federal lands and natural resources and administration of programs relating to Native American Tribes. The Regional Environmental Officer coordinates, provides leadership for, and promotes consistency in the Department's responses to incidents affecting natural and cultural resources and historic properties, lands and facilities under the Department's jurisdiction during and following oil discharges, hazardous substance releases, and natural disasters.

Notifications to Local, State & Federal Agencies

Notifications to Local Governments & Newspapers

On a daily basis the PREP program receives incident information related to violations of water regulations and notifications of discharges that exceed permit limitations or have an impact on state waters. Only rarely do these incidents pose an immediate threat or emergency to human health or the environment. However, notification requirements were established in state law to ensure that local governments and the public (through local newspapers) are aware of significant incidents that pose an immediate threat to human health and the environment. Examples of the types of incidents that would require notification include: the structural failure of a lagoon, causing a discharge to state waters; explosive conditions as a result of a gasoline leak; significant erosion from a construction site that has a potential to impact a drinking water intake.

Notification to Localities

State Water Control Law §62.1-44.15:4 requires DEQ to notify the locality where violations of regulations established under Chapter 3.1 of State Water Control Law pose an imminent threat to the health, safety or welfare of the public. Under this section of the law, the DEQ is required to immediately notify the chief administrative officer of any potentially affected local government. When notifying the chief administrative officer, as a best practice, also notify the local emergency manager or emergency services coordinator.

Notifications to Newspaper

State Water Control Law §62.1-44.19:6.B requires DEQ to inform local newspaper of pollution discharge information provided to the DEQ, if the Virginia Department of Health (VDH) determines that the discharge may be detrimental to the public health or if the DEQ's Director or designee determines that the discharge may impair beneficial uses of state waters. Such required notifications should be coordinated through the DEQ Office of Public Information and Outreach. Determining when or where public notification may be appropriate should be done in consultation with Central Office Pollution Response Program staff and Public Information and Outreach staff.

10. Contracting Procedures

The DEQ has a statutory responsibility to respond swiftly and appropriately to environmental emergency situations. Emergencies may involve petroleum spills, leaking underground or aboveground petroleum storage tanks, or releases of hazardous materials.

The Agency Director has delegated authority to the Regional Directors and to the Central Office Pollution Response Program Manager to:

- Activate environmental emergency procurement procedures using the **Virginia Environmental Emergency Response Fund (VEERF)** up to \$50,000 for a single incident (see APS 6-2017, Delegations of Authority), and
- Approve the use of the **Virginia Petroleum Storage Tank Fund (VPSTF)** up to \$50,000 for a single incident (see APS 6-2017, Delegations of Authority).



The DEQ Environmental Emergency Procurement Procedures (dated February 27, 2015 and subsequent revisions) outline the required procurement actions. For a copy of the policy, see http://deqnet/documents/index.asp?path=/docs/admin/admin_policy/Procurement/Environmental_Emergency

See Instructions for Completing the State Lead Acceptance Form and Contractor Evaluation Tab: http://deqnet/docs/waste/OSRR%20on%20DEQNet/StateLead_StateLeadAWS/Guidance/LPR_SRR_2015_02.pdf

What Constitutes an Environmental Emergency?

Initiating emergency contracting to mitigate a threat or impact to human health and/or the environment requires a formal declaration of environmental emergency by a DEQ Regional Director or designee. The decision to declare an environmental emergency should be made after consideration of incident-specific facts.

A local official may declare an environmental emergency, but a locally declared environmental emergency does not automatically trigger a DEQ-declared environmental emergency. Rather the locally-declared environmental emergency can be considered by DEQ when determining whether to declare an environmental emergency.

The following should be considered by regional offices when determining whether to declare an environmental emergency.

- Risk to public health
- State water impact or threat/endangerment
- Status of RP (unknown or unable/unwilling to take necessary corrective actions)
- Probability of changing conditions creating an impact or significantly increased likelihood of impact to human health and/or the environment

Contracting Procedures

Examples of an Environmental Emergency

- A transportation-related spill of a hazardous material, which is an extreme aquatic toxin. The RP is on site. Hazardous materials are not migrating (i.e., site is stable). A rain storm is expected in the late afternoon/early evening which would mobilize the released materials. The RP's timeline for engaging a contractor and securing the hazmat is expected to be after the rain event has started. DEQ has notified RP of the required timeline for cleanup, i.e., before the rain event. RP has indicated the proposed timeline is the best they can do. DEQ may declare an environmental emergency and engage a contractor to secure the material. A cost recovery action against the RP would follow.
- Two drums of oil (not otherwise specified) have been discovered in a stream bed. One drum is leaking. There are no markings on the drums to indicate an owner or RP. DEQ can declare an environmental emergency and engage a contractor to secure the material and conduct any required cleanup operations.

Example where declaration of Environmental Emergency would not be appropriate:

- Abandoned solid waste in a road right-of-way, including but not limited to: containerized materials regardless of waste classification, loose materials that are not characteristic hazardous waste, or materials that do not pose a threat to human health or the environment.

Funding Sources

The appropriate fund source shall be used in all situations such as the following (which are included by example only, and shall not limit other appropriate uses intended by the legislation):

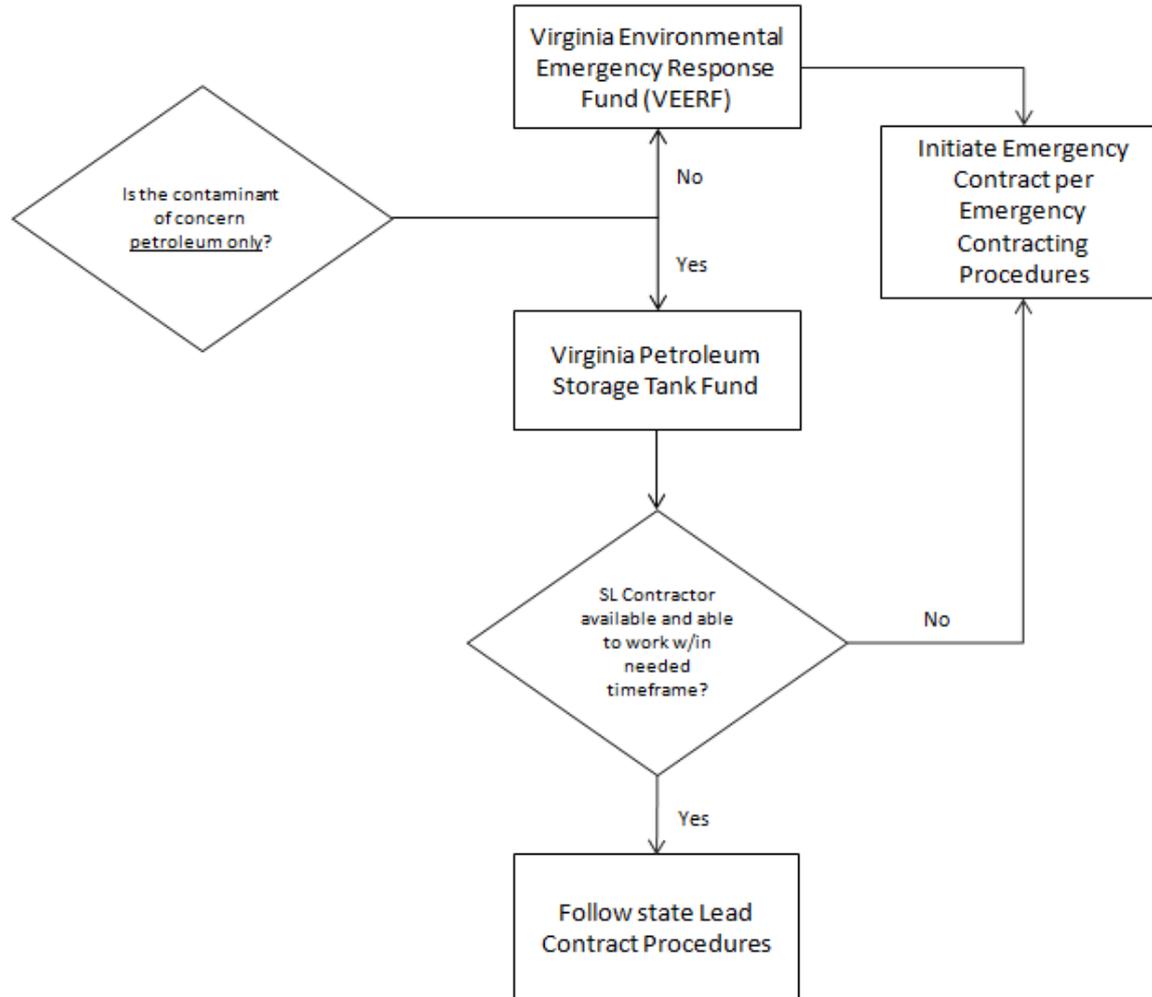
1. When the Regional Director declares that an environmental emergency exists under the substantive laws of the agency.
2. When there is a necessity for an immediate response to a pollution incident and the RP is unknown or unable/unwilling to undertake necessary response actions.

The appropriate funding source is determined by the following. (See Figure 10-1.)

- VPSTF may be used for initial abatement efforts in all environmental emergency incidents that are related to petroleum contamination.
- VEERF may be used for other non-oil types of pollution incidents.

Contracting Procedures

Figure 10-1. – Determining Funding Source



Contracting Procedures

Emergency Procurement Procedures

The Environmental Emergency Procurement Procedures provides detailed procedures for executing emergency contracts. A checklist has been prepared to assist the Regional Office and PREP Coordinator in complying with all the requirements of the procedure. See checklist here: http://deqnet/documents/index.asp?path=/docs/admin/admin_policy/Procurement/Environmental_Emergency

State-Lead Program

The State Lead Program was established by the DEQ Petroleum Storage Tank Program to ensure that the actions necessary to protect human health and the environment are taken at those sites where the petroleum storage tank/facility owner/operator or person causing a discharge of oil is/are unknown, unable, or unwilling to perform the work required under Articles 9 and/or 11.

The State Lead Program is limited to the clean up of petroleum releases and contamination. Petroleum releases eligible for the State Lead Program include cases where:

- Owner/operator is unknown;
- Owner/operator is financially incapable of funding the investigative and clean up activities; or
- Owner/operator is unwilling to take appropriate actions and immediate investigation and/or corrective action is warranted.

A flowchart showing site eligibility for inclusion in the State Lead Program is shown in Figures 10-2A. and 10-2B.

Once a site is determined to be eligible for the State Lead Program, the staff may follow the below steps. See also Figure 10-2C.

1. Conduct a site investigation.
2. Assess current conditions and develop a recommendation for response and removal actions.
3. Contact the Office of Spill Response & Remediation State Lead Program Manager to provide assessment of current conditions and response and removal actions and to obtain verbal approval to proceed. (State-lead contracts for emergency removal will typically be charged to a central office fund.)
4. Contact the regional Petroleum Remediation Program, obtain PC # for the incident, and determine who is next on the state lead “call list.”
5. Contact the state-lead contractor, explain situation, provide sufficient incident details of what may be required for cleanup so that contractor can mobilize appropriate number and type of equipment.
6. Agree to scope of work and complete and submit a Activity Authorization Form (AAF). (Work can proceed before form is completed if necessary to limit human health and environmental impacts.)
7. Provide oversight at the incident as needed.
8. Return to the office to prepare and submit an Environmental Pollution Report (EPR) form. Submit completed EPR to petroleum remediation staff for entry into CEDS and ECM.

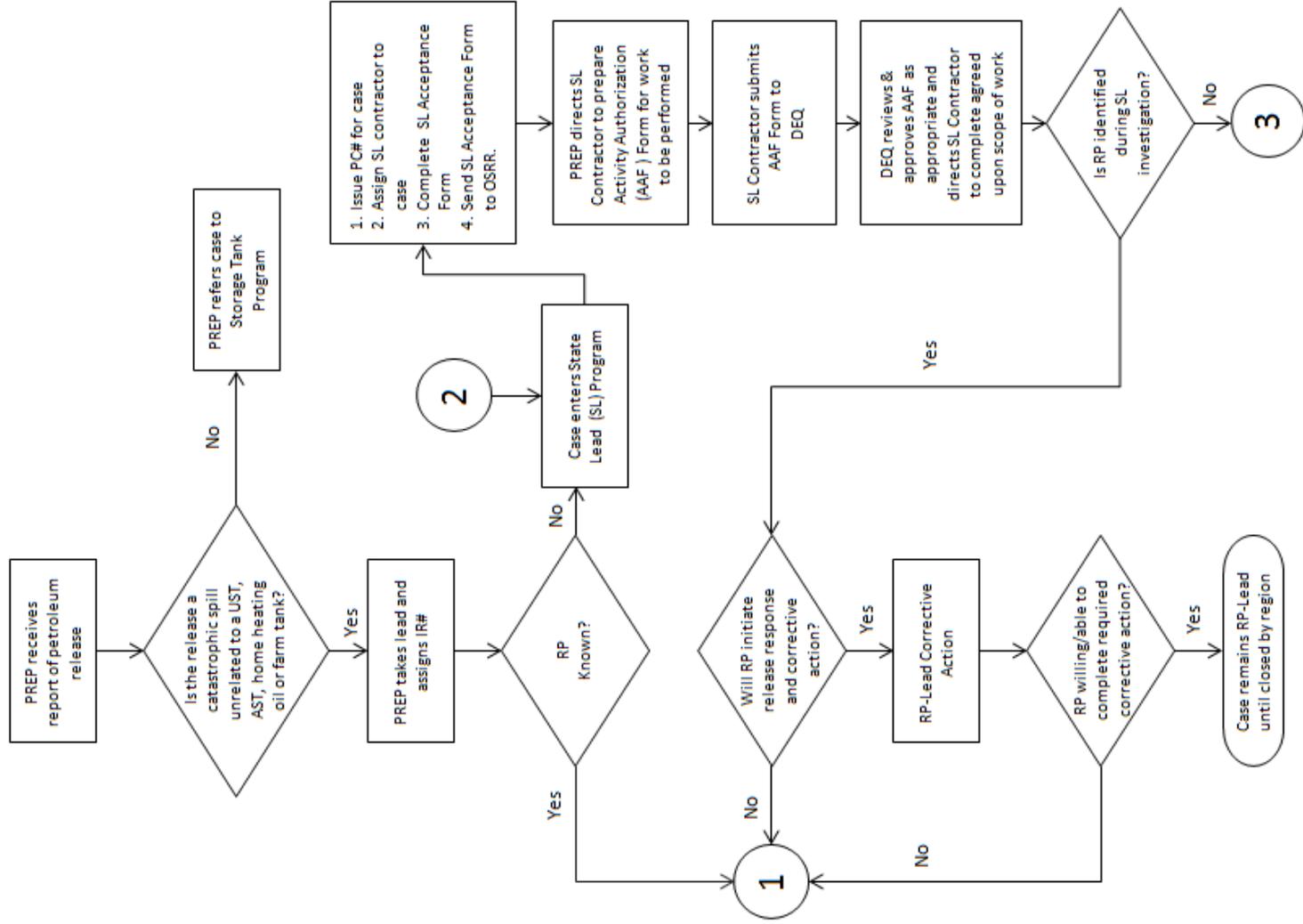
Contracting Procedures

9. In coordination with Petroleum Program Staff, prepare a State Lead Acceptance form and submit form to Spill Response & Remediation State Lead Program Manager.
10. Work through any unexpected issues with the contractor, e.g., work that falls outside the initial agreed-upon scope of work.
11. Once work is complete, the contractor will submit a Work Performed Activity Authorization Form (WPAAF).
12. In coordination with the Petroleum Remediation Program staff to verify work, e.g., work performed within scope and to meet cleanup goals.
13. Send final draft of WPAAF to OSRR for final processing and approval.
14. Send all paperwork and documentation to Petroleum Remediation Program staff for entry into CEDS and ECM.

For more information, see DEQ's Storage Tank Program's State Lead Procedures Manual (dated May 14, 2014 and any subsequent revisions).

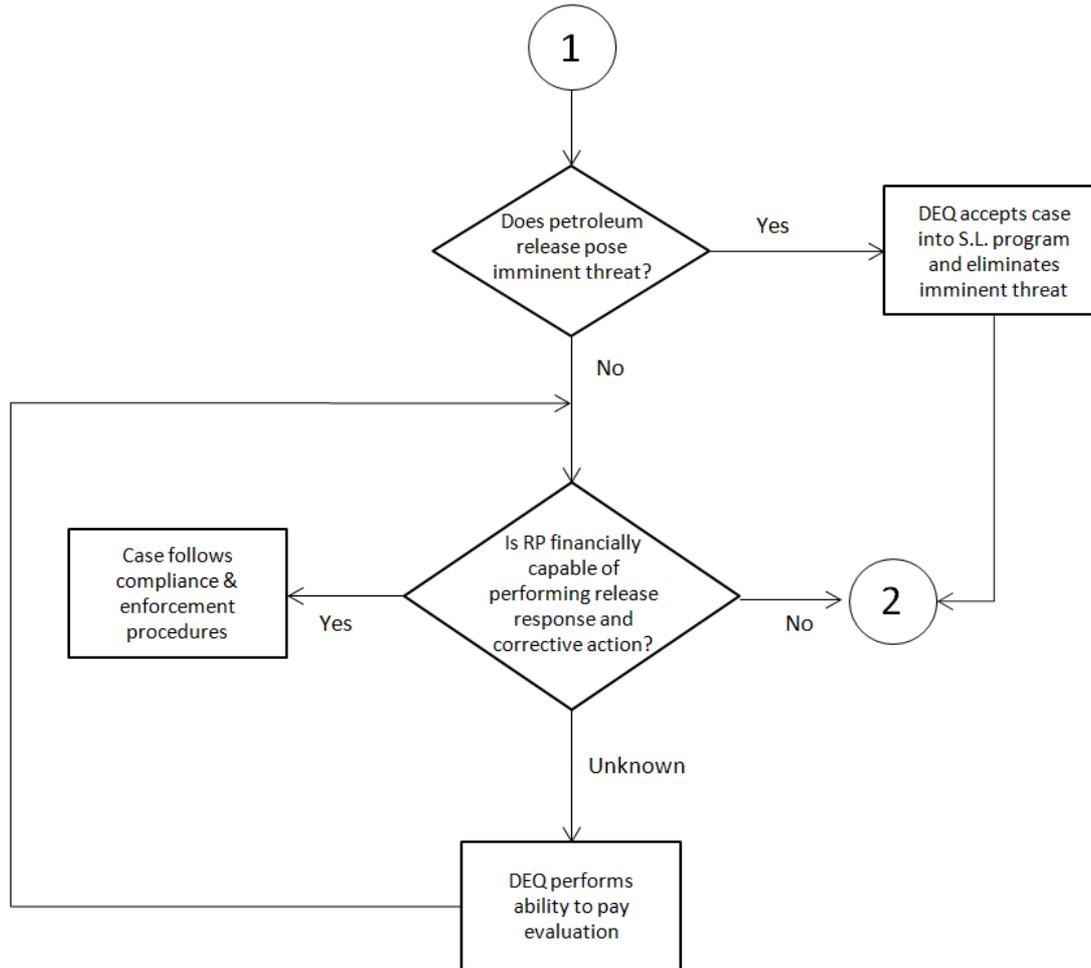
Contracting Procedures

Figure 10-2A. – Eligibility for State Lead Program



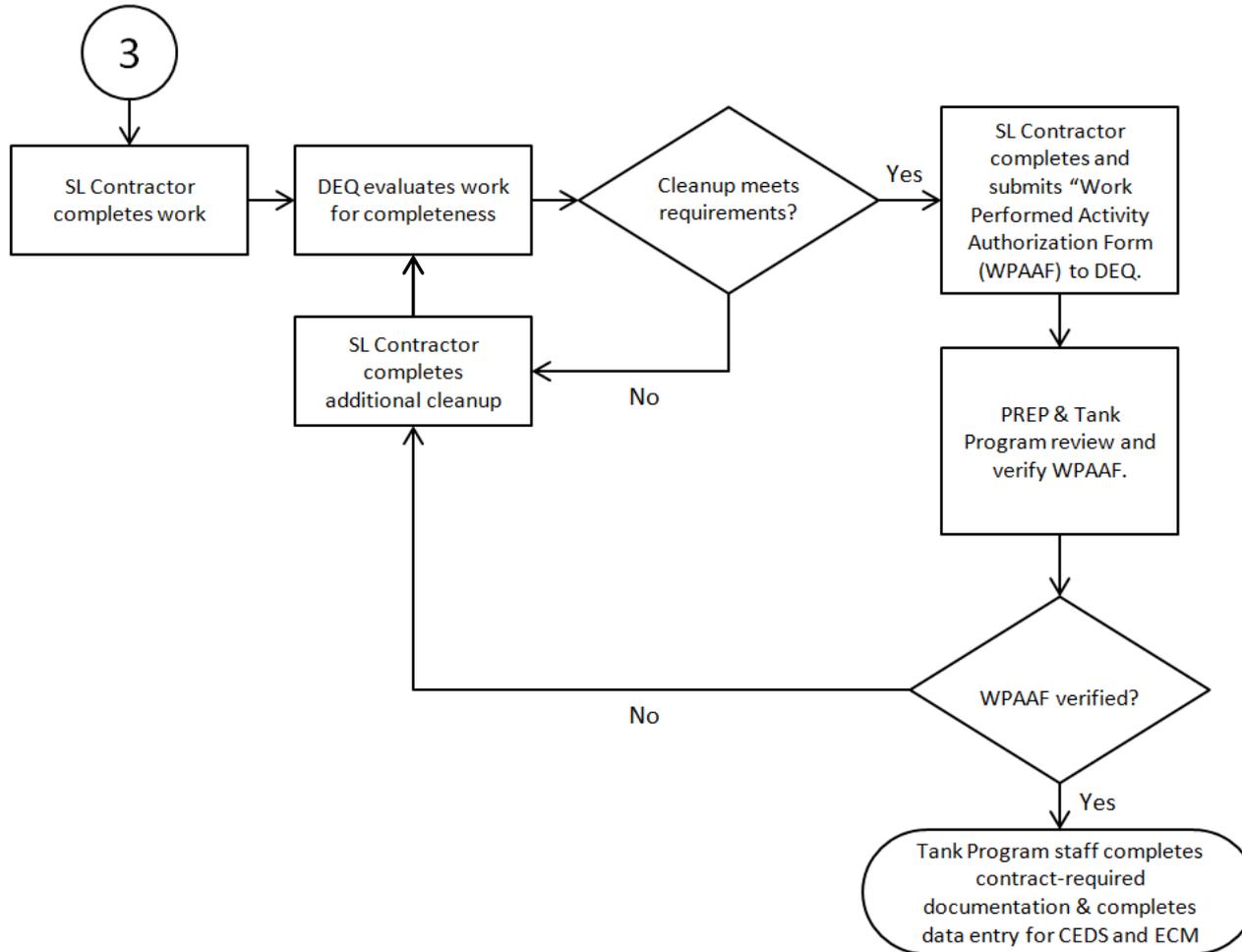
Contracting Procedures

Figure 10-2B. – Eligibility for State Lead Program



Contracting Procedures

Figure 10-2C. – Site Closure Under State Lead Program



11. Cost Recovery

State Law requires the DEQ to recover costs incurred for actions taken by the Agency for the mitigation of impacts or threats from environmental pollution incidents where there is a RP. The cost recovery requirement exists for both the Virginia Petroleum Storage Tank Fund (VPSTF) and the Virginia Environmental Emergency Response Fund (VEERF).

It is imperative the proper cost accounting is performed for all incidents where the Agency anticipated costs will be recovered or there is a high likelihood that cost recovery will occur. In general, the following Agency costs are recoverable when VEERF and VPSTF funds are expended:

VPSTF

- Labor
- Vehicle
- Equipment (including boats)
- Laboratory (incurred directly by DEQ, i.e. DCLS)
- Contractual

VEERF

- Contractual

Staff time can be recovered under a VEERF expenditure only when staff salaries are paid out of the VEERF. By default, staff time is not paid from the VEERF. Staff time is only paid with the VEERF when preauthorized by the Central Office and then usually only for large non-petroleum incidents where the response occurs over a long period of time and

cost recovery is anticipated early on, e.g. the Duke Energy coal ash incident.

Cost recovery is typically included as part of an enforcement action in instances where the agency will pursue an action that includes a civil penalty. PReP staff will coordinate with Enforcement staff by providing cost documentation and assisting with the enforcement action. If the incident will not require enforcement action, cost recovery will be initiated by Office of Financial Responsibility and Waste Programs (OFRWP). Table 11-1 indicates which forms should be sent to OFRWP to support cost recovery.

The OFRWP has developed policies and procedures to recover VPSTF and VEERF monies expended to cleanup releases from environmental pollution incidents. OFRWP works cooperatively with the Office of Financial Management (OFM) and the Regional Offices (RO) to identify incidents that require cost recovery when a RP has been identified.

Cost Recovery

Table 11-1. – Required Documentation

Incident Type	Authority for Cost Recovery	Recoverable Costs	Documents Required ¹
Release or imminent release of petroleum (spill/discharge) from UST/AST tank source(s) where the release is not eligible for VPSTF reimbursement	SWCL Article 10 (VPSTF) §62.1-44.34:11	<ul style="list-style-type: none"> • Labor • Vehicle • Equipment (including boats) • Laboratory (incurred directly by DEQ, i.e. DCLS) • Contractual 	<ul style="list-style-type: none"> • Declaration of Environmental Emergency or State Lead Acceptance Form² • Pollution Incident Investigation Form
Release or imminent release of petroleum (spill/discharge) from non-tank source(s)	SWCL Article 10 (VPSTF) §62.1-44:34:11	<ul style="list-style-type: none"> • Labor • Vehicle • Equipment (including boats) • Laboratory (incurred directly by DEQ, i.e. DCLS) • Contractual 	<ul style="list-style-type: none"> • Declaration of Environmental Emergency or State Lead Acceptance Form² • Pollution Incident Investigation Form
Release or imminent release of pollution (spill/discharge) other than oil into the environment	Code of VA Chapter 25 (VEERF) §10.1-2502	Direct expenses from investigative, containment, cleanup costs	<ul style="list-style-type: none"> • Declaration of Environmental Emergency • Pollution Incident Investigation Form
Any type of pollution (spill/discharge) causing a fish kill	SWCL Article 2 §62.1-44.15(11)	Investigative, fish replacement	<ul style="list-style-type: none"> • Pollution Incident Investigation Form

¹ Please provide the requisite IR# and PC# when submitting forms to OFRWP.

² An Emergency Declaration is required when an emergency contract and contractor are used to conduct a response. A State Lead Acceptance form is required when a State Lead contractor is used to conduct a response.

Cost Recovery

VPSTF Cost Recovery

There are two types of actions to recover costs when VPSTF monies are used. One is to recover for funds used to remediate releases from an underground (UST) or aboveground storage tank (AST). And the other is to recover funds used for a release of petroleum from any source other than a UST or AST. The RO should complete the appropriate documents as listed in the table 11-1 in order for OFRWP to initiate cost recovery for these types of incidents. Document links are provided in the table above.

VEERF Cost Recovery

For any pollution incident resulting in a release or imminent release of pollution other than oil into the environment, and DEQ has declared an environmental emergency, VEERF monies may be used for remediation. Costs expended from the VEERF from any person causing or contributing to the pollution incident are to be recovered. The RO should complete the appropriate documents as listed in table 11-1 in order for OFRWP to initiate cost recovery for these types of incidents. Document links are provided in the table above.

Fish Kill Cost Recovery

The Fish Kill Manual includes RO procedures to obtain fish replacement costs. Recovering fish replacement costs is coordinated with the Department of Game and Inland Fisheries.



See the DEQ Fish Kill Investigation Manual
<http://deqnet/docs/waste/OSRR/PREP/Fish%20Kill/Fish%20Kill%20Guidance%20Manual%20Second%20Edition%202002.pdf>

Where an enforcement action is not anticipated, the RO should complete the appropriate documents as listed in the table in order for OFRWP to initiate cost recovery for these types of incidents.

Federal Oil Spill Liability Trust Fund

The federal Oil Spill Liability Trust Fund (OSLTF) is available to provide reimbursement for uncompensated removal costs and damages incurred during a response effort to an oil spill in navigable waters. The United State Coast Guard (USCG) manages this fund and access to the OSLTF for oil spills will be coordinated through CO. Key documentation required for filing a claim for reimbursement includes:

1. Notification to the National Response Center when the incident occurred;
2. Claim application and supporting field notes/pictures;
3. Letter from the Federal Operation Systems Center (OSC) concluding that the claim qualifies for reimbursement;
4. Certification of costs by the DEQ;
5. Daily cost accounting for DEQ staff costs and
6. Daily cost accounting for all contract work completed.

OFRWP will seek reimbursement from the OSLTF for oil spills to surface waters where the RP is unknown. The RO should contact OFRWP for assistance in preparing any claim for reimbursement from the OSLTF.

12. Training

Required Training

To ensure DEQ staff are prepared to respond to and participate in multiagency response and recovery actions, PREP Coordinators, staff that provide after hours support, and VEST members must meet the minimum training requirements outlined in Table 12-1 and in the PREP Program Strategic Training Plan.

Table 12-1. – Minimum Training Requirements

	PREP Coordinators	After Hours Staff	VEST
IS-100 Introduction to Incident Command System	√	√	√
IS-200 Single Resources and Initial Action Incidents	√	√	√
IS-700 National Incident Management System Introduction	√	√	√
IS-701 NIMS Multiagency Coordination System	√	√	√
IS-800 National Response framework Introduction	√	√	√
VEOC 101/201 Combined Course	√		√
ICS 300 Intermediate ICS for Expanding Incidents	√		
ICS 400 Advanced ICS	√		
24-Hour Hazwoper and 8-Hour Annual Refresher	√	√ ²	
Tabletop Exercises (TTX), Full-scale exercises, Seminars ¹	√		√
STARS	√	√	√

¹ PREP Coordinators and VEST Members should participate in local, regional and state-level exercises to build professional relationships and exercise the agency's capabilities.

² 24-hour HAZWOPER training is only required for after-hours staff who would be expected to conduct on-scene responses

Training Resources

Federal Emergency Management Agency

FEMA's Emergency Management Institute (EMI) offers self-paced courses designed for people who have emergency management responsibilities and the general public and are free. Prior to signing up for courses, each student must obtain a FEMA Student Identification (SID) number, which is a unique number generated and assigned to anyone who needs or is required to take training provided by a FEMA organization. To register for a FEMA SID, visit: <https://cdp.dhs.gov/femasid/>

To access the FEMA courses, login to DEQ's Learning Management System <http://deqnet/programs/admin/training/>. You can access each course through the LMS. After you have completed each course, mark it complete in the LMS, and to receive credit scan/email a copy of your course completion certificate to Office of Training Services.

IS 100, Introduction to the Incident Command System, introduces the Incident Command System (ICS) and provides the foundation for higher level ICS training. This course describes the history, features and principles, and organizational structure of the Incident Command System. It also explains the relationship between ICS and the National Incident Management System (NIMS).

IS 200, ICS for Single Resources and Initial Action Incidents, is designed to enable personnel to operate efficiently during an incident or event within the Incident Command System (ICS). ICS-200 provides training on and resources for personnel who are likely to assume a supervisory position within the ICS.

IS 700, National Incident Management System (NIMS) - An Introduction, introduces and overviews the National Incident Management System (NIMS). NIMS provides a consistent nationwide template to enable all government, private-sector, and nongovernmental organizations to work together during domestic incidents.

IS-701, NIMS Multiagency Coordination System (MACS) Course, introduces Multiagency Coordination (MAC) Systems as described in the National Incident Management System (NIMS), and shows how these systems can be used to improve incident response. MAC Systems consist of a combination of elements: personnel, procedures, protocols, business practices, and communications integrated into a common system. After taking this course, you should be able to improve the overall coordination with, and support for, incident management by developing and operating within MAC Systems.

IS-800, National Response Framework An Introduction, introduces participants to the concepts and principles of the National Response Framework.

Virginia Department of Emergency Management

VDEM's Office of Training and Exercises offers the following training. To sign up for one of the following courses, visit VDEM's Training and Events calendar <http://www.vaemergency.gov> and follow the instructions for registering. Following the completion of the course, be sure to email the course certificate to DEQ's Office of Training Services.

ICS 300: Intermediate ICS for Expanding Incidents – ICS300

The 18 hour Intermediate Incident Command System (ICS) course is intended for those who could fill supervisory level positions during an incident. The course will permit the student to develop an ICS organizational structure, list staffing requirements, prepare a briefing, lead or participate in a planning meeting, identify resources, develop goals, prepare an action plan and become familiar with the National Incident Management System (NIMS).

ICS 400: Advanced Incident Command System – ICS400

This 14 hour course is designed for a multidiscipline audience of staff who would likely serve as incident commanders in an ICS structure. Topics include command and general staff, unified command, major incident management, area command, and multiagency coordination. The course includes group activities, a tabletop exercise, and a final examination. The target audience for this course is senior personnel who are expected to perform in a decision-making capacity in an Area Command or Multiagency

Coordination Entity. (NOTE: DHS STRONGLY RECOMMENDS that a minimum of six months should pass between completion of ICS 300 (Intermediate) and ICS 400 (Advanced) to allow students to utilize their knowledge of the ICS 300 level information before attending the ICS 400 level course.)

Introduction to the VERT and VEOC Crisis Management Systems - VEOC-101/201

This three-hour course, open only to VERT and prospective VERT members, is designed to establish a baseline awareness of the operations, procedures, plans, and systems utilized by the Virginia Emergency Operations Center. At the end of this course, the student will understand the principle practices of the Virginia Emergency Operations Center (VEOC), the Virginia Emergency Response Team (VERT), prescribed VERT roles, and the use of WebEOC with regard to VERT roles.

DEQ Office of Training Services

The OTS coordinates in-house training events across all divisions and media programs, including the initial and refresher Hazwoper training.

HAZWOPER 24-Hour is required for employees visiting an Uncontrolled Hazardous Waste Operation mandated by the Government. Workers must have 24 hours of initial training and one day of supervised field experience before they are allowed to enter the site. The online course meets the standard requirement of 24 hours of initial training. The one day field experience under a

Training

trained, experienced supervisor is the responsibility of DEQ employees and their supervisor. To sign up for 24 Hour HAZWOPER Training, complete a Training Travel Authorizations (TTA) form with your cost coding for \$200, scan/email the completed form for Office of Training Services who will register you for the online training.

DEQ 8-Hour Hazwoper Refresher -This 8 Hour annual refresher is required under OSHA 29CFR 1910.120, Hazardous Waste Operations and Emergency Response. Keep your 24 & 40 Hour Hazwoper certificate up-to-date by attending this course. To sign up for one of the multiple course offerings, login to DEQ's Learning Management System <http://deqnet/programs/admin/training/>.

Virginia State Police

DEQ is a participating Agency in the State Agency Radio System (STARS), which provides multi-channel trunked digital voice and data wireless communications that are specifically designed for public safety, service requirements, and interagency interoperability during emergencies. STARS training is available through the Virginia State Police and through DEQ staff specifically designated by the Office of Pollution Response & Emergency Preparedness to provide STARS training.

13. Planning & Outreach Opportunities

A number of opportunities exist for DEQ staff in general and PREP Coordinators specifically to participate in local, regional, state and interstate planning for large-scale incidents that may impact public health and the environment. The below sections describe some but not all of those opportunities and DEQ staff are encouraged to plan and budget (time and travel resources) to participate in these committees and exercises.

Local Emergency Planning Committees (LEPCs)

Under the Emergency Planning and Community Right-to-Know Act (EPCRA), Local Emergency Planning Committees (LEPCs) must develop an emergency response plan, review the plan at least annually, and provide information about chemicals in the community to citizens. Plans are developed by LEPCs with stakeholder participation.

Virginia has 114 local emergency planning committees (LEPCs) that meet on varied schedules. These committees include cities or towns, counties or joint LEPCs (which include a cooperating group of a county and one or more cities or towns).

A committee is intended to broadly represent the community and must include members from each of five constituent groups:

- Elected state and local officials.
- Law enforcement officials, civil defense workers and firefighters.
- First aid, health, hospital, environmental and transportation workers.

- Representatives of community groups and the news media.
- Owners and operators of industrial facilities, including other businesses using, storing, processing or distributing chemicals.

DEQ staff are encouraged to participate in the LEPC meetings for the purposes of establishing professional relationships with local and state emergency responders and contributing to local and regional emergency planning efforts. Additionally, the LEPC meetings offer the DEQ staff an opportunity to disseminate timely information about DEQ programs and initiatives.



A listing of Local Emergency Managers is located on VDEM's website: <https://lemd.vdem.virginia.gov/Public/Default.aspx>

Exercises

To build and sustain the capabilities of Virginia state and local responders and their partners in all phases of Emergency Management, many federal, state, and local governments and private industry partners host and facilitate a variety of exercises. These exercises may be in the form of seminars, tabletop exercises (TTX) or full-scale exercises. For the purposes of building professional relationships, knowledge and skills related to a particular type of incident, and to refresh ICS skills, DEQ staff are encouraged to participate in exercises.



VDEM maintains a Master Exercise Calendar where many exercises are listed with contact information. See: <https://calendar.vdem.virginia.gov/>

Planning & Outreach Opportunities

Inland & Coastal Area Committees

The Oil Pollution Act of 1990 established Area Committees to serve as Spill Preparedness Planning bodies responsible for developing strategies for coordinated responses to the discharge (or threat of discharge) of oil or hazardous substances in pre-designated Inland and Coastal zones. The DEQ is a member of the Federal Region 3 Regional Response Team (RRT3), the Region 3 Inland Area Committee, and the Coastal Area Committees (coastal) for Virginia and the Maryland-National Capital Region. The following sections describe the DEQ participation in each of these programs.

Region 3 Regional Response Team (RRT3)

The National Oil and Hazardous Substances Pollution Contingency Plan (“National Contingency Plan” or “NCP”) is the federal government’s blueprint for responding to both oil spills and hazardous substance releases. Section 300.115 of the NCP establishes the Regional Response Teams (“RRT”) and their roles and responsibilities in the National Response System, including coordinating preparedness, planning, and response at the regional level. The RRT consists of a standing team made up of representatives of each federal agency that is a member of the National Response Team (“NRT”), as well as state and local government representatives. It also consists of an incident-specific team made up of members of the standing team that are activated for a response. The RRT also provides oversight and consistency review for area plans within a given region.

RRT 3 is the federal component of the National Response System for the states of West Virginia, Maryland, Delaware, the District of Columbia, and the Commonwealths of Pennsylvania and Virginia. RRT 3 is made up of representatives from sixteen federal departments and agencies and each of the States/Commonwealths. The RRT3 is co-chaired by the Chief, Office of Preparedness and Response from EPA Region 3 and the Incident Management and Preparedness Advisor of the Fifth Coast Guard District located in Portsmouth, Virginia.

To fulfill roles and responsibilities, the RRT3 meets twice per year. The PREP Coordinators are encouraged to attend these meetings. For more information on the RRT3, see www.nrt.org/RRT3.

Coastal Area Committees

The Oil Pollution Act of 1990 established Area Committees to serve as Spill Preparedness Planning bodies responsible for developing strategies for coordinated responses to the discharge (or threat of discharge) of oil or hazardous substances. DEQ participates on three area committees: The R3 Inland Area Committee, the Virginia (coastal) Area Committee, and the Maryland-National Capital Region Area Committee.

The DEQ co-chairs the Virginia Area Committee and is a member of the Maryland-National Capital Region Area Committee. To fulfill roles and responsibilities, the Coastal Area Committees meet four times per year. The R3 Inland Area Committee meets two times a year in conjunction with the RRT3 meetings. For more information on the Area Committees, please see: <https://homeport.uscg.mil/mycg/portal/ep/home.do> and <https://www.eparm.net/R3IACP/Default.aspx>.

Pollution Investigation Report



PREP POLLUTION INVESTIGATION REPORT

Report Status: Initial Follow-up Closure

IR Number:	Date of Report:
VDEM Report Number:	NRC Number:
EPA HQ Lead Number:	

Investigator:	Signature:
Date of Investigation:	Date of Incident:
Time of Arrival:	Time of Departure:
Weather at Time of Inspection:	
On-site Participants:	
Access Provided By:	
Investigation Hours:	Mileage:

LOCATION INFORMATION

Site Address:	
Latitude:	Longitude:
Location Description:	

RESPONSIBLE PARTY INFORMATION

Responsible Party:	Contact Number:
RP Address:	
On-Site Contact:	Contact Number:

SITE INVESTIGATION NOTES

POLLUTION TYPE

<input type="checkbox"/> Diesel	<input type="checkbox"/> Gasoline	<input type="checkbox"/> Used Motor Oil	<input type="checkbox"/> Heating Oil
<input type="checkbox"/> Animal Waste	<input type="checkbox"/> Unpermitted Discharge	Chemical: Click here to enter text.	
<input type="checkbox"/> Other:			
Volume Spilled: _____			
Volume Reaching Surface Waters: _____			

RECEPTORS

<input type="checkbox"/> Stream/Lakes/Ponds	<input type="checkbox"/> Livestock/Wildlife
<input type="checkbox"/> Public Water Supply	<input type="checkbox"/> Vapors/Airborne Contaminants
<input type="checkbox"/> Well(s) in Plume/Downgradient Well(s)	<input type="checkbox"/> Septic Systems
<input type="checkbox"/> Public Utility Systems or Other Conduits	<input type="checkbox"/> Other:
<input type="checkbox"/> Karst Terrain	<input type="checkbox"/> Not Applicable
Additional Information: _____	

IMPACTS

<input type="checkbox"/> Fishkill	<input type="checkbox"/> Loss of Habitat	<input type="checkbox"/> Other Beneficial Use Loss
<input type="checkbox"/> Benthic Kills	<input type="checkbox"/> Public Water Supply	<input type="checkbox"/> Not Applicable
Explanation: _____		

CORRECTIVE MEASURES

	Y	N	NA	Explanation/Dates/Response Personnel/Etc.
Source Stopped?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Containment Satisfactory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Clean-Up Complete?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Proper Disposal?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Lab Results Attached?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

NOTIFICATIONS/REFERRALS

<input type="checkbox"/> PWS	<input type="checkbox"/> VDEM	<input type="checkbox"/> Air Division	<input type="checkbox"/> UST
<input type="checkbox"/> VDH	<input type="checkbox"/> Local Government	<input type="checkbox"/> Waste Division	<input type="checkbox"/> AST
<input type="checkbox"/> Dept. of Agriculture	<input type="checkbox"/> EPA	<input type="checkbox"/> VWPPP	<input type="checkbox"/> DGIF
<input type="checkbox"/> Other: _____			
Explanation: _____			

CONTRACTOR INFORMATION

Contractor:
Hired by:
Estimated Completion Date:

OTHER RESPONSE AGENCIES PRESENT

<input type="checkbox"/> VDEM	<input type="checkbox"/> Local Government	<input type="checkbox"/> Local VDH	<input type="checkbox"/> VDH
<input type="checkbox"/> Dept. of Agriculture	<input type="checkbox"/> VDOT	<input type="checkbox"/> State Police	<input type="checkbox"/> DGIF
<input type="checkbox"/> News Media:	<input type="checkbox"/> Other:		

REQUESTED ACTIONS/RECOMMENDATIONS

<input type="checkbox"/> Case Closure	<input type="checkbox"/> Case Referred for Action Under Applicable Regs.
<input type="checkbox"/> Follow-up Investigation Required	<input type="checkbox"/> Enforcement Referral/NOV Requested
<input type="checkbox"/> Action Required by Responsible Party:	

Site Map –

Photos (attach or insert)



Request for Corrective Action (RCA)

Pollution Response Program

Inspection Date/Time: _____

Site Owner/Operator: _____ Telephone Number: _____

Site Address: _____ Contact's Address: _____

DEQ staff inspected and evaluated the above referenced site in accordance with Virginia's environmental laws and regulations. The following item(s) may need immediate action to achieve compliance with the applicable law or regulation. Please notify DEQ in writing on or before the response deadline of all actions planned and/or taken to achieve compliance. Please provide supporting documentation to assist the DEQ in evaluating your compliance with the requirements. This RCA does not preclude DEQ from observing additional alleged non-compliance upon further review or inspection.

Observations and Alleged Non-Compliance

OIL DISCHARGE: State Water Control Law Va. Code § 62.1-44.34;18 (Article 11) A. The discharge of oil into or upon state waters, lands, or storm drain systems within the Commonwealth is prohibited.

COMMENT: _____

DISCHARGE TO STATE WATERS: State Water Control Law Va. Code § 62.1-44. Any person who discharges wastes or otherwise alters the quality of state waters and who is not in compliance with their permit(s) or who is without a permit is in violation of this section of the law.

COMMENT: _____

UNPERMITTED MANAGEMENT OF SOLID WASTE: Va. Code § 10.1-1418.1 and 9VAC20-81-40.B. through D. No person shall allow waste to be disposed of or otherwise managed on his property except in accordance with the Virginia Solid Waste Management Regulations. It shall be the duty of all persons to dispose of or otherwise manage their solid waste in a legal manner. Any person who violates the prohibition shall immediately cease the activity of improper management and the treatment, storage, or disposal of any additional wastes and shall initiate such removal, cleanup, or closure in place.

COMMENT: _____

TIRES: Va. Code § 10.1-1418.2 B. It shall be unlawful for any person to store, dispose of, speculatively accumulate or otherwise place more than 100 waste tires on public or private property, without first having obtained a permit as required by § 10.1-1408.1 or in a manner inconsistent with any local ordinance.

COMMENT: _____

OTHER: _____

COMMENT: _____

RESPONSE DEADLINE: _____
Include with your response: _____

If you have questions or concerns about this request, please contact the PREP Coordinator listed below.

DEQ Contact: _____ Phone: _____ [PRINT W MAIN NUMBER FOR RO]

[PRINT WITH REGIONAL OFFICE MAILING ADDRESS] _____ Email: _____

IR Number _____ Referred to _____ Referral Date _____

For Internal Use Only